

Illinois State University

ISU ReD: Research and eData

Capstone Projects – Politics and Government

Politics and Government

Summer 2024

The Philosophy of Incarceration and Punishment and Its Evolvement. Is it Enough?

Katherine Sebok
kmsebok@ilstu.edu

Follow this and additional works at: <https://ir.library.illinoisstate.edu/cppg>



Part of the [Political Science Commons](#)

Recommended Citation

Sebok, Katherine, "The Philosophy of Incarceration and Punishment and Its Evolvement. Is it Enough?" (2024). *Capstone Projects – Politics and Government*. 46.
<https://ir.library.illinoisstate.edu/cppg/46>

This Capstone Project is brought to you for free and open access by the Politics and Government at ISU ReD: Research and eData. It has been accepted for inclusion in Capstone Projects – Politics and Government by an authorized administrator of ISU ReD: Research and eData. For more information, please contact ISUREd@ilstu.edu.

The Philosophy of Incarceration and Punishment and Its Evolvement. Is it Enough?

Katherine Sebok

A Capstone Paper Submitted in Partial Fulfillment of the Requirements for the Degree of

MASTER OF SCIENCE

Applied Community and Economic Development Sequence

Department of Politics and Government

ILLINOIS STATE UNIVERSITY

2024

Table of Contents

Abstract.....3

Acknowledgements.....4

Introduction.....5

History of Punishment6

Where are we going?22

Works Cited.....26

Appendices.....27

 Appendix 1: List of Illinois Prison Facilities

 Appendix 2: CGL Report Summary

Abstract

This research project explores the evolution of incarceration philosophies and their disconnect from outdated prison infrastructure in the United States, with a focus on Illinois. From ancient civilizations' reliance on retributive justice to the modern era's emphasis on rehabilitation, punishment practices have evolved, yet many facilities remain stuck in the past. The "tough-on-crime" era deepened the divide, leading to overcrowding and neglect. While recent reforms prioritize rehabilitation, progress is hindered by outdated facilities. Illinois' plans to demolish and rebuild Logan and Stateville Correctional Centers offer renewed hope, but the lengthy process requires significant investment and commitment from all involved parties.

About SPAC

The Illinois Sentencing Policy Advisory Council (SPAC) is an independent council charged with informing Illinois sentencing and corrections policy decisions by collecting and analyzing data, providing information to support evidence-based sentencing, preparing annual criminal justice population projections, and preparing criminal justice resource analyses regarding proposed criminal sentencing legislation for the Illinois General Assembly. SPAC currently has four full-time employees based in Chicago; for more information, visit <https://spac.illinois.gov/>.

About Author

Katie Sebok is an Illinois State University (ISU) Stevenson Center Graduate Fellow in the Applied Community and Economic Development sequence. She completed her second year of professional practice at the Illinois Sentencing Policy Advisory Council (SPAC). During her time with SPAC, she visited Illinois Department of Corrections facilities and saw the intake and classification process of individuals in custody, attended national criminal justice system conferences, analyzed reports and created one-pagers and infographics based on those reports, used the software SPSS to analyze average lengths of stay for different criminal offenses, and gathered and organized data on accountability theory. Previously, she was a graduate student at ISU and worked at SPAC. She was an AmeriCorps VISTA Member and received her bachelor's in political science from Illinois State University.

Acknowledgments

I would like to thank the tireless efforts of the SPAC team, including Mark Powers, John Specker, Michael Varrige, and especially Executive Director Victoria Gonzalez. Director Gonzalez was the pinnacle of support during this project, and I could not thank her enough for the unwavering encouragement and direction she brought. Finally, I would like to thank Dr. Mike Hendricks for his continued support during the course of the year with this project. I could not have done this without you all.

How has the philosophy of incarceration evolved since the earliest days of punishment, and have the prison facilities evolved with it, specifically in the United States/Illinois?

The facility, which functions as Logan Correctional Center, opened in the 1870s as the Illinois Asylum for Feeble-Minded Children. In 1978, the facility was repurposed into a men's prison and was again repurposed in 2013 as a female facility. Menard Correctional Center was built in 1878 and is still in use today as a men's correctional facility. Stateville Correctional Center opened in 1925 and is still in use as a men's correctional facility. These facilities are falling apart and have even been described as "falling in on us" (John Howard Association). The age of the buildings and decrepit conditions make them unsuitable for anyone to be housed in them for any reason. However, this is only part of the problem. They were built at a time when the goals of sentencing and correctional philosophies were focused on different priorities, purposes, and functions.

This brings one to question how philosophies of incarceration have evolved since the earliest days of punishment and whether facilities have been able to evolve with it, specifically in Illinois. The short answer is that the evolution is ever-changing, and the facilities have not caught up or evolved nearly to where they should be to meet the needs of their current population or represent modern carceral priorities. They were built during a time that prioritized punitive punishment, which only required the bare minimum of a place to sleep and minimal food while giving little regard to their welfare or rehabilitation. Modern correctional philosophies emphasize rehabilitation practices that require an entirely different type of facility to provide treatment and carry out these practices.

In May 2023, a criminal justice consultant group hired by the Illinois Department of Corrections (IDOC), CGL Companies (CGL), published a report on the state of all Illinois

Department of Corrections facilities. CGL released an appalling yet unsurprising report, highlighting that IDOC facilities suffer from aging infrastructure, an aging population, extreme staffing shortages, an increased need for mental health and medical treatment, and a deferred maintenance cost of \$2.5 billion (CGL Report). So, how did we get here? Where does it leave us? Where should the next phase of criminal justice reform go? To fully comprehend the magnitude of this topic and issue, we must understand the construction of the facilities, their original intent, and how that original intent is affecting today's incarcerated individuals.

Firstly, why do we incarcerate, and how did incarceration get to this point? Over time, the primary purposes for punishment have included deterrence, incapacitation, retribution (just deserts), and rehabilitation. Deterrence is based on the idea of discouraging individuals from committing crimes by instilling fear of the consequences associated with those actions (Allen). There are two types of deterrence: general and specific. General deterrence is the idea that potential criminal behavior is prevented by making examples of other offenders openly, sending a message of "see what will happen to you if you commit this crime" (Allen). Specific deterrence occurs when an individual offender is punished severely enough to discourage them from repeating their actions. Incapacitation refers to preventing an individual from committing further crimes by physically restraining or isolating them from society, usually through imprisonment (Allen). Retribution generally means getting even with the perpetrator, and offenders should suffer in proportion to the harm they have caused. The term "just deserts" (Allen) is a principle within the retribution purpose of punishment, suggesting that people should receive what they deserve based on their actions and that punishment should match the level of wrongdoing. Corporal and capital punishment are often associated with retributive justice (Allen).

Corporal punishment is any physical harm inflicted short of death, including whipping, flogging, mutilation, and branding. Capital punishment is the execution of an individual (Allen). Both capital and corporal punishments have been historically justified as a deterrent to crime, as the severity of the punishments is believed to discourage potential offenders from committing similar crimes out of fear of the consequences (Allen). Finally, rehabilitation seeks to change the behavior of offenders through treatment and services, enabling the offender to choose to refrain from participating in new crimes (Allen). Unlike the other forms of punishment, rehabilitation prioritizes addressing the root causes of criminal behavior and helps offenders reintegrate into society (Allen). These four purposes of punishment have shaped and continue to shape our criminal justice system, weaving in and out policies and legislation throughout history. Therefore, it is imperative to understand the historical context of punishment and its eventual relationship to incarceration. Understanding the history of incarceration is critical to understanding its evolution.

The purposes of punishment have changed over time in response to shifting philosophies, social norms, and cultural trends. These purposes have weaved in and out sporadically based on the culture surrounding punishment. When examining these shifts, it is necessary to look back at the historical roots of punishment. The concept of punishment is present back to the “cradles of civilization” in 5500 B.C. Sumeria and 1800 B.C. Babylonia to Ancient Greece to the Roman Empire to the Middle Ages, subsequently spreading to Europe and then to the “New World.” Punishment started with the idea of “an eye for an eye,” a concept prevalent in the ancient civilizations of Sumeria and Babylonia thousands of years ago (Allen). Sumeria and Babylonia had their systems of justice and punishment. In Sumerian society, justice was often focused on retribution (just deserts) to restore balance and order after the criminal acts (Allen). The

punishments depended on the severity of the crime. They could include fines, corporal punishments like flogging, beating, whipping, and forced labor, as well as capital punishment and retaliatory justice, where the punishment mirrors the harm that the offender inflicted. (Allen). In the Babylonian codes, there were more than twenty-four offenses that called for capital punishment (Allen). The fear of these punishments was intended to serve as a deterrent to potential offenders, and this fear was furthered with public trials.

Moving to the Ancient Greeks, retribution (just deserts) was the primary purpose of Greek justice (Ashby). However, there was a transformation in how citizens were prosecuted. This signaled the transformation of punishment from pure vengeance and retaliatory justice to protecting social order (Allen). Punishments, sometimes decided by councils and juries, were often proportioned to the offenses (Allen). The fear of punishment played an essential role in deterring people from committing crimes, as well as public trials and punishments. As for incapacitating people, imprisonment was utilized, but banishment and exile were the common forms of incapacitating people. (“Ostracism”). Rehabilitation was not a priority, but there were instances of efforts to reform individuals through philosophical teachings like Plato’s or Socrates’ or religious rituals.

Similar to the ancient civilizations of Sumeria and Babylonia, the Romans believed in the concept of “an eye for an eye.” They placed heavy emphasis on retributive justice, ensuring all punishments matched the severity of the crime. This principle derived from a code of laws established by Emperor Justinian of Rome in the 6th century (Saylor Academy). Although this code did not survive the fall of the Roman Empire, it did lay the foundation for Western legal systems (Allen). Roman law believed public displays of punishment, such as crucifixions and gladiatorial contests, deterred criminal behavior by instilling fear in potential offenders (Ashby).

The Romans relied on incapacitation, specifically imprisonment, primarily for individuals awaiting trials, where conditions were especially harsh. Additional forms of incapacitation, such as enslavement and exile, were also used to remove offenders from society. Like the Greeks, rehabilitation was not a focus in Roman law, except for some enslaved individuals who received limited educational and vocational programs.

The Middle Ages marked a long period of social disorder. In this era, the belief was that individuals were accountable for their actions, and punishments were necessary to satisfy God (Allen). Those accused were given impossible and often painful tests to prove their innocence as it was believed the innocent would escape unharmed and the guilty would suffer and die. The primary purposes of punishment in this era were seeking revenge or making the offenders pay for their crimes (retribution). This often involved public executions, torture, or corporal punishment. The severity of these punishments also served as a deterrent to discourage others from committing similar crimes. In terms of incapacitation, temporary detainment was common for individuals awaiting trial or execution rather than long-term imprisonment. Banishment or exile was also used as a form of incapacitation during this period (Jordan).

As the 17th century ended and the early modern era dawned, retributive justice, such as corporal and capital punishment, was ingrained in English and European societies as the standard form of punishment for crimes. However, a standardized legal system began to appear, marking a pivotal shift in the approach to punishment. Moving into the 18th century, that narrative shifted, bringing in the Enlightenment Era on the shoulders of philosophical giants such as Charles Montesquieu, Voltaire, Cesare Beccaria, Jeremy Bentham, John Howard, and William Penn (Allen). Their thinking challenged the norms and brought attention to how criminals were treated. Montesquieu highlighted the abuses in criminal law. Voltaire became involved in trials

that challenged the old ideas of legalized torture, criminal responsibility, and justice. Beccaria published one of the most utilized essays on law and proposed a more humane way of thinking about criminal law. This piece of literature is called *An Essay on Crime and Punishment*. Some of the ideas and principles Beccaria proposed include (Allen):

- The prevention of crime is more important than the punishment for crimes
- Improving and publishing laws are necessary so that people can understand and follow them
- In criminal procedure, secret accusations and torturing of the accused should be abolished
- The accused should be treated humanely before trial and have the right to bring evidence forward and defend themselves against their accusers
- The purpose of punishment is to deter people from behaving in criminal behavior rather than seeking revenge
- Capital punishment should be abolished, and life imprisonment is a better punishment
- Crimes against property should be punished with fines or imprisonment when the offender cannot afford to pay the fine
- Imprisonment should be more widely utilized
 - Living conditions need to be improved
 - Classification and separation by age, sex, and degree of offense should be used.

Beccaria believed the objective of punishment should be based on deterrence (Pollack). Some of his ideas were taken seriously, such as the French Code of Criminal Procedures in 1808 and the French Penal Code of 1810 (Allen). The writers of the United States Constitution were said to be inspired by Beccaria's ideas, and he is known to be primarily responsible for the major criminal law reforms in Europe and America. Jeremy Bentham, an English criminal law reformer in the late 18th century, believed in the idea of hedonistic calculus (Allen). This concept involves

two separate principles. Firstly, he felt that people are rational and hedonistic (pleasure-seeking), seeking to maximize pleasure and minimize pain in every decision. The second principle is that the legal systems in place could determine the punishment that will outweigh the pleasure gained from any criminal act. Therefore, if the pain of punishment outweighs the pleasure of crime, people would choose not to engage in criminal (Pollack). This concept demanded a system of graduated penalties to more closely tie the punishment to the crime, and Bentham's vision was instrumental in the development of the modern prison system. (Allen).

Another philosopher who reformed incarceration and remained an essential figure in the history of criminal justice is John Howard. Howard was appointed sheriff in Bedfordshire, England, in 1773. He was so appalled by the jail conditions that he undertook a massive journey of improving the conditions of the institutions and pressed for legislation to alleviate some of the abuses taking place (Allen). In these jails, then called gaols, there was no separation of men from women, children from adults, and debtors from murderers. There was also no running water, inmates were charged for drinking water, there were no available food or medical supplies, inmates had to pay for bedding, and even when inmates were said to be innocent, they had to pay to be released. He wrote about the deplorable conditions he saw all over Europe and was impressed by some institutions in France and Italy. Because of his work in the *State of Prisons*, Parliament passed the Penitentiary Act in 1779, with these four principles for reform at the center of attention:

- Secure and sanitary structures
- systemic inspection
- removal of fees
- a reformatory regime.

These principles, although hard to implement, led to the first penitentiary in England (Allen). Howard's advocacy for secure and sanitary structures and a reformatory regime indirectly aligns with the philosophy of rehabilitation. By pushing for better conditions and recognizing that a safe and clean environment can positively impact a person's well-being, Howard participated in the first stages of the rehabilitation philosophy. Ironically, Howard passed away from jail fever in a Ukrainian jail in 1790. His legacy lives on through the John Howard Association (JHA), which continues to advocate for better conditions in prisons. Today, the John Howard Association of Illinois has been around for more than 120 years. It is the only citizen correctional oversight organization in the state, and it is only one of three in the country. JHA essentially plays the role of a prison facility watchdog group (John Howard Association).

The history of punishment in America is closely linked to the broader historical context mentioned earlier, and changes in these methods reflect a mix of social, political, and philosophical influences. Early American colonies adopted various forms of punishment, specifically retributive justice, which was known as capital punishment and corporal punishment. This punishment was also often public and intended to serve as a deterrent to crime, with individuals subjected to public humiliation, branding, whipping, and capital punishment. The jail-like areas that existed were initially used as temporary holding spaces until their "real punishment," capital or corporal punishment, was put into effect. However, as the nation developed, so did its approach to criminal justice. Prior to the American Revolution, the colonies were ruled under British codes in 1676 by the Duke of York (Allen.) This is when William Penn, a Quaker and founder of Pennsylvania, brought in a harsh but more humane way of dealing with the offenders, known as the Great Law. This body of laws viewed hard labor as a more effective punishment and remained in place until one day after Penn's death. The Great Law was replaced

with an even harsher code of laws than the Duke of York's called the English Anglican Code. This set of codes was overturned due in part to the American Revolution but mainly because of the first American Penitentiary Act (Allen).

The first step into the more modern type of jail and prisons we see in America today was the opening of the Walnut Street Jail in Philadelphia in 1773. The establishment of this jail was established in part due to public humiliation as a punishment failing. (Bosworth). Offenders nicknamed the "wheelbarrow men" were convicts punished by shaving their heads and given degrading labor in the streets with the intention it would instill positive change in the men. What happened, though, was the opposite; the convicts created havoc on the roads by robbing, burglarizing, drunkenness, and performing all types of indecencies in public. Because of this failure, legislation was drafted to create more cells to confine individuals, otherwise known as solitary confinement. This punishment concept, which is still in use today, involves individuals being isolated from everyone except for correctional staff. The Walnut Street Jail holds significance in American history as it laid the groundwork for a more modern prison system, and it is considered one of the earliest examples of a penitentiary in the United States (Bosworth). The jail was designed for isolation and reflection and had classifications between inmates, employment of inmates in the jail cells, and uniforms. While this was a step forward for incarceration practices, as the American system of punishment had not seen this type of incapacitation before, there was still criticism of the concept of solitary confinement as the primary form of rehabilitation for inmates. This criticism, along with the criticism of overcrowding, illness, and frequented escapees, continued for centuries. This system of solitary confinement requiring inmate silence cells and inmate labor in the cells became known as the Pennsylvania system (Allen).

Following Walnut Street Jail, incarceration in the United States shifted toward the concept of penitentiaries as alternatives to corporal and capital punishment. Soon after, the Eastern State Penitentiary was established under the Pennsylvania system and was completed in 1829. This prison was highly advanced for its time, with central heating and water in each cell. It held 250 people and, similar to Walnut Street Jail, emphasized solitary confinement as a means of penance and reflection. The inmates had a small hole in the door for food, never even able to see the officers. It eventually became too crowded with the influx of inmates, and the demand for more prisons in the United States persisted (Allen).

The other prevalent type of prison system that emerged in the 19th century was the Auburn system, named after the Auburn State Prison in New York. While the Pennsylvania system required the inmates to be housed in solitary confinement with work inside the cell, the Auburn system emphasized group labor during the day and solitary overnight. The system worked to instill discipline and work ethic in the inmates while also maintaining control over them. The guards at Auburn heavily relied on intense discipline and ruthless punishment of the inmates. Silence was mandated at all times; otherwise, inmates would face the use of a lash. If they did not walk in a lockstep formation one after the other, they risked breaking an ankle from the lashes. At mealtimes, the inmates sat face-to-back so as not to have any interaction with each other. Despite the known horrific treatment of the inmates there, the Auburn system became widely adopted across the United States. It influenced the design and operation of many 19th-century prisons because of its financial success in blacksmithing, carpentry, weaving, tailoring, or anything else a private contractor was willing to pay the state for prison labor.

As the 19th century progressed, the United States experienced an expansion of prison systems based on the Pennsylvania and Auburn models. Both approaches shared the notion that

isolation and labor were the sole means of rehabilitation. It was during this time that beliefs began to shift, and the flaws in the system of solitary confinement became apparent. As the Pennsylvania system isolated prisoners entirely from other people, psychological effects due to prolonged isolation became more understood. Inmates suffered from mental issues such as hallucinations, paranoia, and depression, making rehabilitation impossible. Auburn's system of cruel discipline and group labor during the day faced similar criticism for its abuse. The flaws in these systems brought in the calls for reforms in the prison system, leading to the reformatory era.

The reformatory era was guided by the American Prison Congress of 1870 held in Cincinnati, Ohio, where prison professionals, administrators, state representatives, and criminal justice experts convened to address pressing issues within the correctional system. Central concerns included overcrowding, prison conditions, rehabilitation efforts, and overall, how to improve the prison system (Bosworth). This gathering marked a pivotal moment in the history of corrections, setting the stage for significant reforms. Out of this congress emerged Elmira Reformatory under the leadership of Superintendent Zebulon Brockway. Brockway's vision emphasized education, vocational training, individualized rehabilitation, and practices such as indeterminate sentencing and conditional release, laying the groundwork for modern parole systems. Indeterminate sentencing involves no specific length of incarceration; rather, it consists of a range of possible time frames. Under indeterminate sentencing, the length of a sentence will depend on multiple factors, such as the inmate's behavior, rehabilitation progress, and, ultimately, the discretion of parole boards or judges. Indeterminate sentencing can provide an incentive for inmates to demonstrate good behavior for the opportunity of potential release earlier in their sentencing range. Conditional release, now known as parole, allows an inmate to

be released to the community under specific conditions that need to be followed; otherwise, they would return to prison. Elmira was initially built for adult felons; however, it was used for younger incarcerated individuals who were serving in prison for the first time. Its facilities incorporated modern amenities such as sanitary appliances, improved lighting, uniform clothing that was not degradingly distinctive, healthier food options, equipment for physical fitness, and vocational training in over thirty trades. Elmira also offered a school curriculum program ranging from kindergarten to high school, with some opportunities for college-level courses, a newspaper program, access to a library, and religious opportunities. While indeterminate sentencing and parole were the cornerstone reforms of this era, Brockway's holistic approach to rehabilitation left a lasting legacy. His emphasis on education, vocational training, and individualized rehabilitation would later become widely accepted as essential components of effective correctional practices. These furthered the ideas of reintegration back into society and marked the shift away from retributive justice.

After the Civil War, the majority of the prisons constructed were in the northern and western regions of the United States, given the devastation and destruction in the South resulting from the war. These new facilities saw minimal improvements beyond the additions of running water and plumbing. They followed the Auburn model, emphasizing group labor, although the code of silence was now abandoned as communication was necessary for understanding their work. The use of indeterminate sentencing and parole was more frequent. Due to the war and economic hardship in the South, some states turned to leasing out their incarcerated population to private contractors for cheap labor—a practice now known as convict leasing. This system, reminiscent of slavery, subjected predominantly African American prisoners to harsh and dangerous work, gruesome treatment, inadequate food and shelter, and little to no pay. Convict

leasing remained in place in the South well into the early 20th century, finally ending in 1928, only to be succeeded by prison farms.

Transitioning into the 20th century marked the beginning of the industrial prison era. During this period, American prison administrators prioritized the self-sustainability of prisons over rehabilitation efforts. This led to the construction of additional Auburn-style prison facilities and the implementation of factory production systems within correctional institutions. As these systems began to generate profits from cheap labor, legislators took notice, perpetuating the idea that prison industries were beneficial at the expense of exploiting the incarcerated population. Later, competing labor unions in various trades and industries, such as mechanics and carpenters, began to complain about the advantages of cheap inmate labor and how it took away their business (Berrigan). The labor unions argued that it undercut their wages and made it impossible to compete. The cheaper labor would attract more customers, leading to the loss of work for non-incarcerated individuals. This tension between prison labor and labor unions intensified throughout the early 20th century until legislative measures restricted or removed prison labor practices. One federal legislative measure, called The Hawes-Cooper Act, passed in 1929, banned the interstate manufacturing and transportation of goods made by inmates. Another piece of federal legislation passed in 1935, the Ashurst-Sumners Act, essentially stopped the interstate transport of prison products because it required all prison products to be labeled with the prison it was created in (Allen). This act fully prohibited the interstate shipment of prison products.

Over the next several decades, significant changes took place in the American correctional system. One issue that presented itself was that administrators who wanted to create positive change were stuck with the vast prison fortresses of the previous century. Experts in the field were beginning to propose criminal justice reforms. Still, any reforms were prevented by

grand-scale issues such as the Great Depression and the public's lack of trust in the rehabilitative reforms. The first director of the Federal Bureau of Investigation (FBI) led the attitude of a war on crime with the construction and opening of the supermax prison Alcatraz. The supermax was created for housing the most "hardened and dangerous criminals"; however, it was too expensive to maintain and closed after 29 years.

The FBI pioneered many of the criminal justice principles adopted by the states in the early 20th century. These principles included diagnosis and classification of individuals in custody, as well as employing professional personnel like psychiatrists and psychologists to rehabilitate the incarcerated population better. Despite efforts to improve the prison systems, the fear of inmates and excessive security measures persisted with the extensive use of locks, counting, and recounting. Counting and recounting in prison facilities are used to make sure every inmate is accounted for. It's reasonable to assume the lack of meaningful activities, combined with the long hours of boredom, restlessness, and repetitive routines, heightened tensions among the inmates. In the mid-19th century, when prison industries thrived, riots were relatively rare. This could be attributed to inmates being too tired after the extensive work hours or control measures of the time. However, as the era of prison industries ended, riots became more frequent. This increase could be explained by enforced idleness, leading to restlessness and discontent among inmates. Because of the uptick in prison riots, an investigation in the 1950s was conducted by the American Correctional Association. What they identified as the root causes behind the riots were that prisons were not receiving sufficient funding to address the needs of inmates appropriately; the government and public had a lack of concern for the state of the correctional system; the quality of the staffing was below standard; enforced idleness was

rampant and led to unrest among inmates; there was a lack of professional programs; and there was an overcrowding of the institutions.

Moving into the “modern era” of corrections in the late 20th century, the focus on rehabilitation within the criminal justice system began to regain its momentum. The changes in society outside the criminal justice system, such as the Civil Rights Movement of the 1960s, shed light on systemic injustice within the prison system, specifically on racial disparities and inhumane treatment. In addressing these issues, reforms such as the Civil Rights Act of 1964 were enacted mandating equal treatment in the prison system, and the Sentencing Reform Act of 1984 was established, which created the United States Sentencing Commission. This commission was created to ensure fair sentencing in the federal criminal justice system.

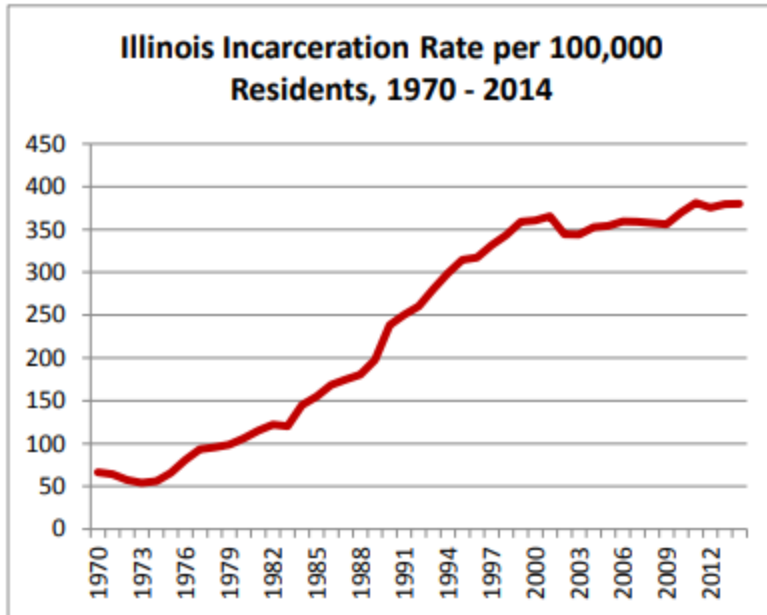
Another significant development during this era of reform was the emergence of community-based alternatives to incarceration, such as probation, parole, and other diversion programs. The development of these was in response to the recognition that incarceration alone was not enough to address the root issues of criminal behavior. Probation is a court sentence that releases the individual to the community under the supervision of a probation officer, with conditions and the threat of being resentenced if those conditions are broken. Parole is the release of an individual from confinement before the completion of their sentence based on their good behavior and other factors. Other diversion programs include mental health and drug treatment courts. These programs were meant to provide support and resources to individuals involved in the criminal justice system and focus on reducing recidivism. Recidivism is the terms for repeat criminal activity after initial law-violating behavior (Allen). The conscious idea of reducing recidivism had been explored in the past, but these concepts of community-based alternatives gave way to a more structured path toward lessening criminal behavior.

The timeline spanning from the 1970s to the early 2000s captures a pivotal period in the evolution of the criminal justice system in the United States, with shifts from rehabilitation to tough-on-crime policies, increased and aggressive law enforcement, more punitive sentencing, and mass incarceration. In the early 1970s, President Nixon's declaration of a "War on Drugs" set the stage for aggressive measures targeting drug-related offenses with punitive sanctions. This era saw the implementation of mandatory minimum sentences, which handcuffed judges to impose high mandatory minimum penalties for specific drug-related felonies, and the introduction of three-strike laws, which mandated severe penalties for individuals with three or more felony convictions. These policies significantly contributed to escalating rates of incarceration, leading to overcrowded jails and prisons operating beyond their intended capacities. Consequently, resources became strained, and conditions within the correctional system deteriorated. Throughout the 1980s and 1990s, the tough-on-crime policies continued and gained more momentum with the passage of the Comprehensive Crime Control Act of 1984 and the Violent Crime Control and Law Enforcement Act of 1994.

The Violent Crime and Control and Law Enforcement Act of 1994, passed during the Clinton administration, was a comprehensive bill focused on addressing different aspects of crime and law enforcement. Its provisions included a federal assault weapons ban, an expansion in the federal death penalty, elimination of higher education for inmates, the passing of the Violence Against Women Act, the registry for sex offenders, the implementation of the Community Oriented Policing Services (COPS) office, three-strike-laws, mandatory minimums, and the truth-in-sentencing provisions including a grant program for states. The COPS office budget in 1995 was 1.3 billion dollars, and a total of 25,000 new officers were funded. The truth-in-sentencing grant program created in this act was called The Violent Offender Incarceration

and Truth-in-Sentencing (VOI/TIS) grant program. This program incentivized states to adopt truth-in-sentencing laws for offenders. TIS is a concept that ensures offenders serve most of their sentences incarcerated without the possibility of parole. Before TIS laws, most states had indeterminate sentences. One of the earliest legislative efforts of TIS is from the Federal Truth in Sentencing Act of 1984, where offenders need to serve at least 85% of their sentences behind bars. The funds in the VOI/TIS grant program were used to build or expand state correctional facilities. From 1996 to 2001, more than \$2.7 billion was allocated to this program (Office of Justice Programs). The 1994 crime bill stands as one of the most extensive federal crime legislations ever passed, significantly impacting the U.S. prison system through increased incarceration rates, overcrowding, strained resources, and a shift towards punitive rather rehabilitative measures. These legislative efforts also led to issues of overcrowding, inadequate health care, and racial disparities within the prison system (Patterson).

Illinois followed in suit with the national tough-on-crime trends leading to a prison population of almost 50,000 individuals in custody by 2013. The graph below shows the rise in Illinois incarcerations rates per 100,000 residents from 1970 to 2014.



Source: CJSR Commission Final Report December 2016 (Illinois Criminal Justice Information Authority).

By the early 2000s, there was growing recognition of the punitive approach, leading to calls for reform. By the late 2000s, there was a gradual acknowledgment of the need to address the root causes of crime and prioritize rehabilitation over punishment. The shift to reform also included initiatives such as Justice Reinvestment, focusing on reducing incarceration rates and investing in programs that improve public safety and hold individuals accountable.

Despite the more recent years focusing on rehabilitation, the existing infrastructure of the prison systems in the United States and Illinois date back to the 1800s. These facilities were not built for a system that fosters rehabilitation and reintegration. In Illinois, we have several facilities that date back centuries, and even the ones that are considered “newer” or “modern” are at least 50 years old. They are not compliant with Prison Rape Elimination Act, Americans with Disability Act, or generally recognized as being a safe environment for individuals to serve a

sentence or a place where they can learn how to reintegrate into society and not offend (Illinois Department of Corrections).

The State of Illinois and the Illinois Department of Corrections specifically recognized the need for change and knew there needed to be a next step for the criminal justice system. Therefore, they hired a criminal justice consultant group called CGL Companies to assess the prison facilities in Illinois. The resulting report highlighted significant deficiencies in the physical infrastructure and operational capacity of correctional facilities in the state. Some of the alarming findings include 22% of IDOC's bed capacity being in facilities constructed before 1926 and 65% of facilities built between 1970 and 2000 facing significant maintenance issues. Included in the index is a summary of the CGL report. Moreover, many facilities, like Logan and Dixon, were initially mental health institutions and lacked compliance with more recent mandates, such as the Americans with Disabilities Act and the Prison Rape Elimination Act. The cost of deferred maintenance has reached \$2.5 billion and is projected to double every five years if not addressed (Illinois Department of Corrections).

In response to the findings, IDOC announced in March of 2024 the demolition and rebuilding of Logan Correction Center (LCC) and Stateville Correction Center (SCC) (Press Release). This has become a highly contentious issue as there has been talk of moving LCC to the Stateville grounds, disrupting the lives of the individuals in custody as well as the staff who work there. As for SCC, IDOC announced the closure of the institution in September 2024, which also disrupted the individuals in custody and staff. However, there has been no debate on the dire need for this investment or its urgency. This investment is a necessity. The funding for this endeavor is estimated to be around \$805 to \$935 million and will be sourced from capital funds and allocated over the next 3 to 5 years. However, the process of closure and

reconstruction entails a rigorous approval process with the Commission on Government Forecasting and Accountability (COGFA.) In this process, the COGFA and IDOC must follow a structured timeline. Currently, there has been no vote on the proposed closure of both SCC and LCC due to a lack of quorum at a scheduled hearing in Springfield. COGFA members expressed distrust of IDOC and worried for the city of Lincoln if LCC moves to SCC grounds (Stateville Correctional Advisory Opinion) (Logan Correctional Advisory Opinion).

Looking ahead to the future, we are still on a path to rehabilitation efforts with these plans for the two prisons in Illinois. However, this is a cycle that has repeated throughout the centuries of retributive justice to rehabilitation over and over. Over the centuries, society has consistently repeated these shifts of crime and punishment. As we develop and refine our criminal justice policies, we must learn from the past cycles and not revert to old ways of thinking. Integrating both retributive and rehabilitative justice can help create a system where individuals are held accountable for their actions while also providing them with the opportunity to learn, grow, and reintegrate into society, which will help society thrive in the future. There is still a way to go, though. As seen below in the table, many of the prisons were built decades ago, and the rebuilding of Stateville and Logan is only the first step of many. There are places to look to for inspiration to better our reintegration practices, such as the new Utah State Correctional Facility. Utah created a Prison Relocation Team and made a well-thought-out plan with floor-to-ceiling windows, the opportunity for delivering court and social services on site and fostering a place for natural light (Utah State Correctional Facility). The same should be true for the plans for the new facilities in Illinois. It must be a well-thought-out plan for Illinois that truly fosters rehabilitation and reintegration. True rehabilitative practices do go beyond the physical infrastructure. They include education programming, mental health and substance abuse

treatment, job training and employment opportunities for once individuals leave IDOC, life skills training such as financial literacy and conflict resolution, parenting classes, re-entry planning, etc. By implementing these policies and more in Illinois, recidivism should continue to decrease, creating a much safer and more just society.

Work Cited

Allen, Harry E., et al. *Corrections in America: An Introduction*. 14th ed., Pearson, 2014.

Bosworth, Mary. *Explaining U.S. Imprisonment*. SAGE Publications, 2010.

Berrigan, James. "Labor Unions and Prison Labor during the Nineteenth Century." *The NYC Criminal*, 15 Nov. 2015, <https://nyccriminal.ace.fordham.edu/?p=74>.

Illinois Criminal Justice Information Authority. *Illinois Criminal Justice System: A Comprehensive Overview*. Dec. 2016, https://cjreform2015.icjia.cloud/pdf/CJSR_Final_Report_Dec_2016.pdf.

Illinois Department of Corrections Master Plan Report. Illinois Department of Corrections, May 2023, <https://idoc.illinois.gov/content/dam/soi/en/web/idoc/reportsandstatistics/documents/IDOC-Master-Plan-Report-FINAL-MAY-2023-07-12-23-67.pdf>.

John Howard Association. "Guiding Principles." *John Howard Association*, <https://www.thejha.org/guiding-principles>.

John Howard Association. *MQPL 2022-2023 Top Issues Logan*. John Howard Association, 2023, <https://static1.squarespace.com/static/5beab48285ede1f7e8102102/t/6620290b62cff768c34a620d/1713383694086/JHA+MQPL+2022-2023+Top+Issues+Logan.pdf>.

Jordan, William Chester. *From England to France: Felony and Exile in the High Middle Ages*. Princeton University Press, 2015.

"Logan Correctional Center Advisory Opinion." *Commission on Government Forecasting and Accountability*, 14 June 2024, <https://cgfa.ilga.gov/upload/Logan%20CC%20Advisory%20Opinion%20-%20June%2014,%202024.pdf>.

“Ostracism.” World History Encyclopedia, World History Foundation,
<https://www.worldhistory.org/Ostracism/>.

Patterson, Samuel. "The Violent Offender Incarceration/Truth in Sentencing Grant Program." *Criminal Justice Review*, vol. 41, no. 1, 2016, pp. 98-116. JSTOR,
<https://www.jstor.org/stable/48713513>.

Pollock, Joycelyn M. *Crime and Criminal Justice in America*. Jones & Bartlett Learning, 2014,
https://samples.jbpub.com/9781284020212/15963_CH01_Pass3.pdf.

"Press Release." Illinois.gov, Illinois Office of the Governor, 15 Mar. 2024,
<https://www.illinois.gov/news/press-release.29750.html>. Office of Justice Programs, U.S. Department of Justice. Veterans Opioid Intervention and Treatment Services (VOI/TIS) Program: Final Report. U.S. Department of Justice, 2023,
<https://bja.ojp.gov/sites/g/files/xyckuh186/files/media/document/voitis-final-report.pdf>.

Saylor Academy. *Legacy of the Roman Empire*. Saylor Academy,
<https://resources.saylor.org/wwwresources/archived/site/wp-content/uploads/2012/10/HIST201-1-LegacyofRomanEmpire-FINAL1.pdf>.

"Stateville Correctional Center Advisory Opinion." *Commission on Government Forecasting and Accountability*, 14 June 2024,
<https://cgfa.ilga.gov/upload/Stateville%20CC%20Advisory%20Opinion%20-%20June%202014,%202024.pdf>.

"Utah State Correctional Facility." *Utah Department of Corrections*,
<https://corrections.utah.gov/utah-state-correctional-facility/>.

IDOC Facilities (Index?) [IDOC-Quarterly-Report-April-2024.pdf \(illinois.gov\)](#) as of February 29th, 2024

Name	Type of Facility	Year Opened	Population	Capacity	County
Graham R&C	Maximum	1997	328	433	Montgomery
Illinois River CC	Maximum	2018	0	58	Fulton
Lawrence CC	Maximum	2001	887	1,229	Lawrence
Menard CC	Maximum	1878	1,480	1,849	Randolph
Menard R&C	Maximum	2004	37	98	Randolph
Northern R&C	Maximum	2004	953	1,894	Will
Pontiac CC	Maximum	1871	552	790	Livingston
Pontiac Mental Health	Maximum	1871	34	188	Livingston
Big Muddy River CC	Medium	1993	1,378	1,865	Jefferson
Centralia CC	Medium	1980	1,172	1,520	Clinton
Danville CC	Medium	1985	1,589	1,784	Vermilion
Graham CC	Medium	1980	1,309	1,594	Montgomery
Hill CC	Medium	1986	1,151	1,415	Knox
Illinois River CC	Medium	1989	1,773	1,965	Fulton
Menard Medium Security Unit	Medium	1996	290	442	Randolph
Pinckneyville CC	Medium	1998	1,698	2,375	Perry
Pontiac Medium Security Unit	Medium	1937	0	154	Livingston
Shawnee CC	Medium	1984	1,437	1,860	Johnson
Sheridan CC	Medium	2004	901	1,349	LaSalle
Sheridan General Pop	Medium	1984	414	490	LaSalle
Western Illinois CC	Medium	1989	1,616	1,973	Brown
East Moline CC	Minimum	1980	490	925	Rock Island
Jacksonville CC	Minimum	1984	544	1,020	Morgan
Lincoln CC	Minimum	1984	735	919	Logan
Murphysboro Life Skills Re-entry Center	Minimum	2018	108	240	Jackson
Robinson CC	Minimum	1991	1,145	1,181	Crawford
Southwestern Illinois CC	Minimum	1995	555	631	St. Clair
Stateville Farm	Minimum	2003	170	174	Will
Taylorville CC	Minimum	1990	1,063	1,201	Christian
Vandalia CC	Minimum	1921	541	1,004	Fayette
Vienna CC	Minimum	1965	707	774	Johnson
Decatur (Female)	Minimum	2000	227	236	Macon
Decatur Nursery (Female)	Minimum	2007	6	8	Macon
Logan (Female)	Multi	1978 (Facility built 1887)	1,090	1,389	Logan
Logan (Female) R&C	Maximum		73	238	Logan
Clayton Work Camp	Work Camp (Min)	1993	47	150	Adams

Greene County Work Camp	Work Camp (Min)	1993	0	200	Green County
Pittsfield Work Camp	Work Camp (Min)	1996	132	408	Pike
Southwest IL Work Camp	Work Camp (Min)	1995	179	858	St. Clair
Dixon Springs IP	Impact Program (Min)	1990	0	302	Pope
DuQuoin IP	Impact Program (Min)	1994	50	200	Perry
Logan IP	Impact Program (Min)		3	-	
Dixon Psych Unit	Multi	1997	167	213	Lee
Dixon CC	Multi		597	1,244	Lee
Dixon Special Treatment Center	Multi	1983	284	458	Lee
Joliet Inpatient Treatment Center (General Pop)	Multi	2022	32	32	Will
Joliet Treatment Center	Multi	2017	105	299	Will
Kewanee Life Skills Re-entry Center		2017	145	682	Henry
Stateville CC	Multi	1925	435	972	Will
Crossroads ATC	Adult Transition Centers (Min)	1983	192	330	Cook
Fox Valley ATC (Female)	Adult Transition Center (Min)	1972	118	123	Dupage/Kane
North Lawndale ATC	Adult Transition Center (Min)	200	149	208	Cook
Peoria ATC	Adult Transition Center (Min)	1972	241	248	Peoria
Electronic Detention	Other	-	3	-	
Federal/State/Transfer to Other State	Other	-	60	-	

Facility Master Plan - CGL

Due to its aging facilities, deferred maintenance, decreasing population, staff vacancies, and difficulty in complying with consent decrees and ADA/PREA requirements, the Illinois Department of Corrections contracted CGL Companies to assess its infrastructure and develop a plan for the facilities to meet their mission of public safety and successful re-entry. The report confirmed many of IDOC’s facilities are in a state that makes them unable to achieve the stated mission and objectives.

<h2>Key Takeaways</h2>	
Correctional Philosophy	<p>22% of bed capacity in facilities <u>opened before 1926</u></p> <p>This reflects the 1800s prison philosophy, <u>never intended for rehabilitation but for isolation and separation</u></p> <p>Several facilities are former mental health hospitals not intended for correctional housing</p>
Facility Deterioration	<p>Several facilities are approaching <u>inoperable</u> ratings</p> <p>Only three facilities are rated as <u>fully operational</u></p> <p>\$2.5 billion in deferred maintenance, which will <u>double every five years</u> if not handled</p> <p>Several facilities cannot comply with ADA and have difficulty complying with PREA</p>
Staffing Issues	<p>Vacancy rates above 25%</p> <p>Several facilities have correctional officer vacancy rates higher than 30%</p>
Bed Space	<p>Projections show:</p> <ul style="list-style-type: none"> • excess maximum and medium security beds • <u>lack of minimum security beds needed</u>
Mental Health Treatment	<p>43% of the population have <u>mental health issues</u>, and 14% of those have <u>serious mental health illness</u></p> <p>Facilities were <u>never designed to accommodate</u> this growing population</p> <p>Insufficient housing and treatment space with some facilities <u>using exam rooms, break rooms, and storage closets to accommodate treatment</u></p>
Medical and Dental Care	<p>Units are cramped and under-sized to fit what is necessary</p> <p>Does not have the required units to address the <u>aging population</u></p>

