Chapter II

Review of Literature
2.1 INTRODUCTION

The topic crime and punishment is a subject of hot debate from time immemorial. It was widely debated in the religious books of ancient people where they had given strict rules of behavior for individuals and societies. However scientific literature on the topic appeared only in the seventeenth century. The topic gained considerable attention with political scientists and sociologists. Later they gained special significance with the arrival of the subject criminology. The development of criminology as an academic discipline can be traced back to 13th century medieval Europe.

The development of criminal law began its diverse development around 1530 when some rulers of the European states began to issue own criminal codes (Constitution Criminals Carolina (1532), Constitution Criminals Bambargensis (1509) and other criminal codes). The goal of these criminal codes was to reduce cases when local criminal codes failed to regulate some undesirable behaviors. European Criminal Law has continued its development through 17th and 18th century. The most known criminal codes of that time were: Constitution Criminals Leopoldina, Constitution Criminals Josephina, Constitution Criminals Theresiana and Code de Napoleon which applied until 1992 in France. The emergence of classical criminology as a first school of modern criminology brought first serious attempts to philosophically and logically explain causes of crime.

An academic approach to crime occurred in the late 18th century, which has come to be known as the Classical School of criminology. It was entirely philosophical, rather than scientific, and the major figures included Cesare Beccaria and Jeremy Bentham. In the 20th century, the sociological approach to criminology became dominant, with most criminology research relating to the social factors that relate to crime.
2.2 PRISON REFORMS

Hirsch (1992) discusses the penal philosophy. Penal philosophy has included a utilitarian tradition, which disregarded proportionality concerns, and a retributive tradition, which did not supply a readily intelligible account of why punishment should be deserved. Expressive theories can explain the rationale of the proportionality principle and also account for the distinction between ordinal and cardinal proportionality. Desert models fully abide by the principle of proportionality. Alternative models might be devised that give proportionality a central role. Proportionality calls not only for penalties ranked according to the gravity of crimes but also for spacing among penalties that reflects degrees of difference in crime seriousness.

Severson (1999) observes that the jail setting offers social workers the opportunity to simultaneously address the various critical needs of a multi-client system, a system which includes rising numbers of persons with serious and persistent mental illnesses, overworked and underappreciated detention personnel, and an often tedious and impersonal judicial process. Jails in small or rural communities may have a more difficult time securing mental health services for their inmates.

Mickryan (1999) debates the criminal justice system in England. Criminological literature concerning British Muslims reveals dominant discursive themes of victimization, discrimination and demonization and a highly politicized discourse, often rhetorical in nature and seldom supported by empirical evidence. The author argued that criminologists should place renewed focus on household crime, the effects of socio-economic factors, crimes involving non-physical forms of violence. Criminological research in this area needs more often to include the consideration of sociological factors...
such as housing, unemployment and economic inequality and their effects on crime victimization.

Baldursson (2000) explores the subject of prisoners, prisons, and punishment in small societies and compares the prison system in a small society with prison systems in larger societies of Nordic countries. Iceland has 5 prisons with a total capacity of 138 inmates. In 1997 and 1998, the daily average number of prisoners was approximately 110, and the 1999 average was about 100. Inmates and staff are having close contact in Iceland's small prisons. It is observed that small institutions function better in many respects than large ones, and it is relatively rare that serious problems occur in Iceland's small prisons. Small prisons do not offer as many treatment and rehabilitation programs for inmates as large prison systems. In Iceland, community service is seen as an administrative implementation of an unconditional prison sentence. Authorities in Iceland have been subjected to some pressure from the Council of Europe to introduce changes in their crime policies, particularly with respect to the lack of facilities for young people and women. The author concludes that a small society can sometimes be an example to other larger societies with respect to corrections and criminal law.

Barton (2000) says that the growing prominence of restorative justice interventions necessitates a reconceptualization of criminal justice in terms of a new paradigm.

Hughes (2000) focuses on issues arising from the provision of health care when people spend time inside prison. There is an urgent need for consistent health care inside and outside of prison. To improve health care, policies inside prison need to be consistent with those outside. People in prison have a wide range of health care needs and there is evidence to
suggest that these needs are being met inconsistently. People in prison are part of the wider communities that prisons serve; it remains inappropriate that health care is provided differently in each.

Prison is intended to improve people but it generally makes them worse. Everyone leaves with a stigma of prison record. What stops people from committing crime is not fear of prison but internal controls – the conscience within. Prison is also a place with great potential for human rights abuses. Shankardass (2000) approaches the prison systems in this context. In a democratic society, imprisonment – deprivation of liberty – is the most massive power that the state exercises on a regular basis over its citizens and this power must be exercised lawfully and humanely.

Carlsmith, Darley, & Robinson, (2002) says that one popular justification for punishment is the just deserts rationale: A person deserves punishment proportionate to the moral wrong committed. A competing justification is the deterrence rationale: Punishing an offender reduces the frequency and likelihood of future offenses. The authors examined the motivation underlying lay people’s use of punishment for prototypical wrongs. Unless the punishment is imposed, a real feeling of incompleteness lingers, and there is a sense that justice has not been done. These feelings of incompleteness and sense of failed justice are held by those who witness or become aware of the original offense as well as by its victim. From this perspective, a just society is one that assigns just deserts punishments proportionate to the moral blame worthiness of the offense, and it must not fail to punish wrongdoing in these ways.

Lippke (2002) explores the issue of prisoners’ rights and conditions of incarcerated people in jails and prisons. In most countries prisoners face years of psychological or physical deterioration brought on by their
conditions of confinement. These conditions include overcrowding, poor quality food, inadequate medical care, improper ventilation, physical or sexual violence directed against them, scant privacy, isolation from friends and family, and the absence of meaningful work.

Alemagno & Dickie, (2002) address the relative lack of services for women who come into contact with the criminal justice system, there is a need to develop quick and easily administered screening tools. In another work Schram, Witt, & Morash, (2004) examined the management approaches needed for women in prison, with a focus on the degree to which some administrators use stereotypes and/or perceived needs of women offenders in their rationale for choosing particular management strategies. A very small proportion of the correctional administrators felt that the gender of the prisoner was irrelevant to the ideal management style and related management techniques. The emphasis on empowerment for all prisoners by involving them in decisions that affected them directly, might help them to see how their own characteristics and situations might have been affected by gender differences in preparation, opportunity and resources. It is possible that women placed in the unit were assessed and provided with appropriate mental health care rather than being admonished for aggressive behavior. Further, these women would not have perceived or experienced the placement as oppression or punishment. Correctional personnel education and training on gender differences need to be carefully crafted to avoid the potential for information to be used as justification of new forms and methods of control; and considerable leadership and understanding within a prison would be needed to work.

Boston & Winchester, (2002) studied the history and life experiences of women in prison. Prison is an incredibly poor solution to the pervasive
problems of suffering women. Drug addiction, poverty, negative relationships, and a lack of resources or meaningful avenues to improve their lives are the reasons why women commit crimes; unfortunately, these same problems must be faced upon release. The sad reality is that both in the U.K. and the U.S., there does not seem to be the political will to do anything but incarcerate.

Dikotter (2002) deals with prisons in modern China (1895–1949). Before the advent of a communist regime, modern Penological principles were widespread and a relatively sophisticated network of prisons was built according to international standards. Prisons were not simply a transplant from the West. Prison reform was a multifaceted process linked to existing notions of crime, punishment and repentance. It was constrained by financial difficulties and had to adjust to complex institutional, political and ideological configurations. Although the dialectal of reform was widely shared across the globe, the discourse and practice of the prison in China was characterized by specific local ideas and conditions: in particular, the prison was viewed as a new tool to pursue a Confucian notion of an ordered and cohesive social body governed by the rule of virtue.

Martin & Hesselbrock, (2002) examines the complex relationships among women’s criminal history, victimization, relational supports, personal strengths and their mental health. Intensive interviews were conducted with sentenced women volunteers. The women who had experienced the highest degree of harmful home environments and maltreatment lacked parental and family supports, and were those most likely to be mentally ill and violent. The mental health risk classification systems which correctional systems employ do not adequately capture the nature and seriousness of women’s current psychiatric or substance abuse needs. There needs to be greater effort
to appropriately integrate psychiatric, substance abuse and violence risk into an assessment system reflective of women’s real experiences. Without such refined understanding of needs and efforts directed at providing specialized rather than generic treatment, there may be little effect on crime reduction. Treatment opportunities must be expanded, both within prison and the community, and better linkages provided between the two environments. The development of social networks may be useful, and involving them in mentoring or helping other women may enhance their social relationships while reinforcing their strengths.

Buchan (2002) deals with deeper penal reforms and focus on celebration of the ‘‘humanization’’ of punishment associated with the development of liberalism. The development of liberalism is associated with the extension of more humane, carefully regulated and proportionate methods of punishment. Buchan’s view implies that ‘‘liberty’’ should be conceived as the bulwark limiting the reach of the state’s power to punish. Early liberal arguments for punishment and policing however, were premised on a conception of liberty that required such punishment. This liberty consisted in a certain kind of self-regulated conduct. The purpose of punishment then, was not simply reform or correction of the offender, nor the management of delinquency, though each has played its part in penal development. Liberal arguments for penal reform also incorporated a concern for the delivery of deserved punishment on those whose indiscipline and improvidence threatened the peace and productivity of civil society, those who were deemed incapable of autonomous action.

Eisner, (2003) examines the history of crime in Europe from the thirteenth century. Serious interpersonal violence decreased remarkably in Europe between the mid-sixteenth and the early twentieth centuries.
Different long-term trajectories in the decline of homicide can be distinguished between various European regions. Age and sex patterns in serious violent offending, however, have changed very little over several centuries. The long-term decline in homicide rates seems to go along with a disproportionate decline in elite homicide and a drop in male-to-male conflicts in public space. A range of theoretical explanations for the long term decline have been offered, including the effects of the civilizing process, strengthening state powers, the Protestant Reformation, and modern individualism.

Young, (2003) deals with health and mental health of mentally ill jail inmates. Sixty-seven percent of the sample had a substance-related disorder, 37% an adjustment disorder, 23% a mood disorder, and 12% had schizophrenia or another psychotic disorder. Comorbidity was extensive with close to 45% of the sample having both a substance related disorder and an additional major mental illness. Study findings indicate that there is a great need to strengthen services and create jail-community linkages for inmates with comorbid mental health and substance abuse disorders. Innovative program and resource information are provided. The economic and societal costs of incarceration are incredibly high, yet without attention to the multi-faceted needs of this population, individuals will continue to cycle back and forth between communities and jails. Forensic social workers must be trained to assess and treat both mental illness and chemical dependency and to look for the ways these different conditions interact. Allocating resources and focusing ongoing service efforts toward the development of integrated treatment approaches and community-based care planning for inmates are steps in the right direction. Roy (2003) discussed the jail reforms in India. Prisons Act in 2000 has been able to usher positive reform endeavors throughout the country. The jail authorities are increasingly becoming, more
attentive towards inmate’s well-being as well as the rehabilitative services necessary for the inmate’s reintegration into society upon release front. The first reform movement was started at Tihar Jail in the capital city of Delhi. Various aspects of the reform movement in Tihar Jail set examples for the rest of the country. The author observes that overcrowding is still a problem in Indian jails.

Prison is designed with punishment, correction and rehabilitation to the community in mind and these goals may conflict with the aims of health care. Watson, Anne Stimpson, & Hostick (2004) in their work deals with the issues in prison health care, mental health, substance abuse and communicable diseases. Women prisoners and older prisoners have needs which are distinct from other prisoners. Health promotion and the health of the community outside prisons are desirable aims of prison health care. The delivery of effective health care to prisoners is dependent upon partnership between health and prison services and telemedicine is one possible mode of delivery. The local prison and health services produce a model for partnership in the delivery of health care in prisons in line with current UK government policy. Models include health care delivery by employees of the prison services, combined models including primary and secondary care divided between prison services and health services, respectively, and models whereby local and National Health Service (NHS) augment prison health care through, telemedicine. Health promotion as a unifying concept for health care in prisons incorporating health needs assessment.

The social support issues of women prisoners is discussed by Loper & Gildea, (2004 ).Women who perceived higher levels of support from fellow inmates tended to express higher levels of anger, while women who perceived higher levels of social support from vocational, education, and
recreational activities tended to express lower levels of anger. Author indicated that a large proportion of women in prison have family-like relationships within the prison, and that women who attest to higher levels of support from such surrogate family relationships tend to have greater difficulties with anger regulation and the importance of understanding the relational patterns of incarcerated women and the potential benefits of providing interventions for interpersonal difficulties. An inmate’s sense of social support and feelings of anger are arguably best measured by a self-report, which evaluates subjective appraisal. Women who perceived higher levels of support from structured activities were less angry than those who report endless support from activities.

Maruna, Porter, & Carvalho, (2004) examines the probation practice. In the desistance process, it follows that educators, psychologists, correctional workers and, indeed those in probation, ought to be careful about the stories they tell their clients. Probation relationship is reduced to one of targeting risks and needs, these deficits may become a reified and internalized aspect of the probation client’s self-identity. Therapeutic efforts with offenders stress the importance of offenders taking full responsibility for their crimes, and counsellors are trained to identify and punish attempts to minimize, deny or excuse one’s past offending.

Mauer, King, & Young, (2004) documented the vast increase in the use of life sentences in the United States. These developments raise questions of public safety, use of tax dollars, and the efficacy of criminal justice policies. Many lifers have been convicted of serious crimes and present an immediate threat to public safety, but many others are housed in prison long after they are dangerous due to overly restrictive parole and commutation policies. Additional numbers of lifers would probably not have received
such severe sentences it they had access to adequate defense representation or had judges not been overly constrained by sentencing policies requiring such prison terms. Long-term imprisonment is necessarily inappropriate in any individual case, either for reasons of punishment or public safety.

Prison reform was a major topic of discussion in the academic circles. One of the premier works belongs to Sturr (2004). The author analyses Prison Reforms with special focus on the US and he examines two periods of prison reform in the 20th century, to indicate the problematic role that traditional theories of the moral justification of punishment have had in the history of reform efforts have played. It is argued that moral theories of punishment are not the best vehicle for addressing the prison crisis; the approaches suggested by critical social theory are more promising. The study suggests theoretical approaches to prisons which are explicitly designed for and by prisoners and other subordinate people; members of prisoners’ families and communities to use on their own behalf, in connection with larger movements against social systems of dominance and subordination.

The conceptual relationship between restorative justice and punishment has attracted a great deal of attention in the literature. Greg Mantle (2005) examines the affinities and tensions between restorative justice and three ‘individual’ criminological theories: classicism, individual positivism, and ‘law and order’ conservatism. The resocialization of offenders, commended by positivists as a cure for crime, resonates with much of the restorative agenda.

Jones & Newburn (2005) observe that there are many similarities in criminal justice and penal policies in the United States and the United Kingdom. The increasingly punitive nature of penal policy discourse in both countries appears to have given rise to similar developments, such as ‘three
strikes’ sentencing, youth curfews, sex offender registration schemes, ‘zero tolerance’ policing, etc. At the same time, governments in both countries have adopted a more ‘managerial’ approach towards criminal justice, including the development of ‘risk-based’ interventions, and expanding the role of the private sector in the criminal justice system.

Teh (2006) is of the opinion that women commit crimes because of poverty and financial problems. They also fit into Merlo’s contention that poverty and drugs were major factors contributing to female criminality. Other factors that are related to re-offending or recidivism include physical abuse, alcohol abuse, and drug abuse, coming from unhappy homes, having family members who have been charged with an offence previously and having family members who have been to prison. The legal system in the West has also introduced the concept of parole and community service for offenders. Community service is particularly favorable for light offenders. This system reduces overcrowding in the prisons and, at the same time, has been found to be of some success in the West as a rehabilitation programme. The author argues that these models can be taken up by the Asian countries.

Hsieh (2006) deals with the various implications of punishment. Theories of punishment often suffer from serious defects, including an inability to properly distinguish between offenders and non-offenders. The author is of the opinion that theories of punishment based upon deterrence, incapacitation, or rehabilitation inevitably violate the proper scope of punishment in various ordinary cases by failing to justify the punishment of all and only criminal offenders. That’s because those justifications for punishment appeal to some future good rather than to any facts about the offense itself. In deterrence theories of punishment, the state’s punishment of criminal offenders is morally justified by that institution’s capacity to
discourage criminal offenses: punishments for past crimes show potential offenders the harms to be inflicted upon those convicted of future crimes. Incapacitation theories of punishments work upon the body only; they do not attempt to change the offender’s state of mind by instilling fear or inspiring reform. In rehabilitative theories of punishment, the basic purpose of punishment is the moral improvement of the offender such that crime is no longer an active option in his deliberations about his future actions.

Farrall (2006) observes that changes in government policy can have quite dramatic effects on people’s experiences of crime. It is clear that the period since 1979 has seen a remarkable and dramatic transformation in the social and economic life of the UK. Farrall tried to be more attentive to the outcomes of key political and party-policy struggles which have had an enduring influence on today’s climate with regard to crime and justice.

The World Health Organization’s (WHO) Ottawa Charter for Health Promotion in 1986 provided the catalyst from which the Health Promoting Prison (HPP) movement emerged. Whitehead (2006) made a critical discussion on nursing services and prison related health care. The author suggests that prison-based nursing services are seriously neglected and woefully lacking in structure and resources. Prison related healthcare and health promotion activity is never going to be an easy function to perform. Active health promotion strategies require a conscious, sustained and collaborative commitment from the whole prison community and this must include all nursing disciplines. Building such group capacity, through developing social interaction, cohesion, participation and political action can only benefit the community at large and further emphasize the role of the health and social professions in prison health care.
Twaddle, Setpaul, Guerrero, Manibusan, & Riddle (2006) discussed the development of a feminist support group for women prisoners enrolled in a six-month substance abuse treatment program in an adult correctional facility. After the completion of five Group cycles, a follow-up study was conducted in the community using qualitative, feminist, and participatory methods. Results indicate that the Group was successful in helping women prisoners to address trauma, addiction, and the stresses associated with incarceration. Gender-responsive rehabilitation and treatment programs in women’s prisons often fall prey to a correction logic which teaches that the source of “criminality” lies within the prisoners themselves—their attitudes, their beliefs, and their behaviors—rather than their difficult life experiences, and to be effective, rehabilitation and treatment programs in women’s prisons must be based on new models that challenge conventional notions of criminality and help women to break free of the discursive as well as institutional bonds that bind them. Feminist practitioners have led the way through programs emphasizing equality, caring, consciousness raising, and empowerment. The results of this study suggest that a women’s support group based on these principles can be highly effective in helping women prisoners to address trauma, addiction, and the stresses associated with incarceration. Women parolees coupled with a recidivism rate of 23% indicates that therapeutic interventions provided inside prison are inadequate for addressing the socioeconomic barriers women face after release. Parolees are expected to rapidly find employment, housing, and transportation and to return to their roles within their families and they may have to fight to regain the custody of their children. With these obstacles, many women parolees find themselves back in the same situations they left prior to their incarceration. Therapeutic interventions provided in prison must be followed by comprehensive aftercare programs in the community addressing a wide
range of psychological, social, and economic needs. Transitional housing programs such as halfway houses and residential treatment centers are needed to provide a safe, structured, and drug free environment as parolees adapt to their new life situations. Family-based residential programs that permit women to live with their children are also needed so as to give parolees the opportunity to resume their roles as mothers while re-establishing their lives in the community.

The effects of correctional interventions on recidivism were investigated by Lipsey & Cullen (2007). Supervision and sanctions, at best, show modest mean reductions in recidivism and, in some instances, have the opposite effect and increase re-offense rates.

Author suggests that the American public favors a balanced approach to corrections.

Campbell (2007) investigates the case of forgotten victims. Prisoners’ families largely remain forgotten victims. Financial difficulties, emotional issues and prison visiting are particular concerns. It is essential that prisoners’ families are included in the current debate on prison numbers. This article shows the issues and appraises recent initiatives and possible reforms. Dealing with the stigma, children and other immediate issues may cause a partner to lose sight of a deteriorating financial position. Financial issues are often addressed sometime after the person has been arrested, when debt has risen significantly. Emotional difficulties can arise during every aspect of the imprisonment process. Initially, there is the experience of arrest and trial. The prison service can point to stretched resources and the huge increase in prison numbers as factors inhibiting progress. Security and control remain the overriding criteria. Recognition of the evidence that good family contact can have a positive effect on prison regimes has seen some, but limited,
improvements. An integrated response from interested agencies is required. Different agencies have different agendas, funding issues and responsibilities, which can obviously lead to conflict: ‘Both child welfare agencies and the criminal justice system need an understanding of the other’s processes, responsibilities and concerns, but both are often overextended and have limited resources to invest on collaboration’. A partnership approach would make this a more realistic prospect. This would aim to establish a nationwide network of social and economic services and to increase the involvement of other community services such as residential workers, community development workers, youth workers and others to ‘operate locally, amplify regionally, and influence nationally and internationally.

Noblet, (2008) indicated that women are sentenced inconsistently by the criminal justice system showing differences between harsh, equal or lenient treatment. The penal institutions to which women are sentenced, are failing to provide for the specific needs of women or to equip them with ways to improve their future prospects. Policy makers should focus in four main areas; increasing the use of non-custodial penalties, a substantial reduction in custodial remand, reform of custody and increased diversion from prosecution. Greater attention needs to be paid to developing alternative responses that offer additional support and intervention to address women’s underlying problems and reduce reoffending.

Sallyfrye & Sharondawe, (2008) observe that women offenders and their children represent a severely disadvantaged and marginalized population. For many children, the very risk factors that contributed to their own mother’s incarceration are present in their current lives, creating an intergenerational vulnerability for poor outcomes. The realignment of correctional policy initiatives with programming initiatives designed
specifically to address the needs of women might provide a starting point for the emergence of more positive outcomes for women offenders and their families. Many of these women are interested in participating in parenting interventions, and there is evidence that treatment completion is associated with significant changes, particularly in relation to levels of maternal emotional wellbeing, confidence in the parenting role, the quality of the parent–child relationship and concurrent child behavior as well as general lifestyle improvements. Successful outcomes associated with this program highlight the possibility of addressing the cycle of dysfunction that often characterizes the families of women offenders and with that, the opportunity for fostering positive adaptation and competence in the future trajectories of their children. While these programs should be available to all people in a community, they are critical for women within the correctional system.

The privatization of prisons is discussed by Shefer & Liebling (2008). The authors compare private and public prisons in the UK and the relationship between prisoners and staff. These relationships appear to be better in some private prisons than in the public sector, at least during the early years of privatization. The authors provide three possible explanations for the positively evaluated prisoner–staff relationships in many private prisons: an intentional focus on relaxed and less formal regimes; the distinct balance of power which is the outcome of more powerless and inexperienced staff working in private prisons; and the legacy of a punitive atmosphere which still persists in some public sector prisons.

McMurran, Theodosi, Sweeney, & Sellen (2008) looked into offender rehabilitation. A range of positive, anti-criminal goals were expressed, including stopping offending, improving self-control, finding and keeping jobs, having stable accommodation, quitting drink and drugs, changing
support networks, and finding new leisure pursuits. Furthermore, prisoners expressed life enhancing goals, such as improving their lifestyle, gaining work experience, having good family relationships, gaining skills, and getting fit and healthy. Goal perspectives have proven useful in conceptualizing motivation and structuring psychological therapies. Prisoners say they want to stop offending, and are aware that to do this they need to be self-controlled, find and keep jobs, have stable accommodation, quit drink and drugs, change support networks, and find new leisure pursuits.

Martin, (2008) discusses direct social work practice with women prisoners. Continuity of care across prison and community is a crucial component of effective service delivery. Social workers have an important role in advocating for improved services for women, both within prison and in the community. A greater range of sentencing options is needed to reduce the alarming increase in the number of women prisoners in recent years. The situation of women prisoners highlights a number of important considerations for gender sensitive social work direct practice. Social workers are faced with the frustration of working within the prison system, and the challenge of maintaining community links and a sense of hope for the future, for women prisoners post release. Social work assessment is required, focusing on individual, family, social and cultural factors. Key elements in the individual assessment include physical and emotional health, drug and alcohol issues, past history of physical and sexual abuse, socio-economic status, literacy and self-esteem. High numbers of women prisoners who are sole parents. Social work interventions with women prisoners include the development of a comprehensive individual service plans. Rehabilitation requires the development of individually tailored programs and group activities. Effective direct social work practice with women prisoners
ultimately requires balancing the complex, and often competing demands, of working both within and outside the prison system.

Prison social work is a constant challenge and a frequent struggle. Social work principles are often in direct opposition to principles guiding the operations of a prison. To run an efficient prison, security is of utmost importance with strict adherence to rules and a bureaucratic structure. Individuation is minimized. In this context Mazza, (2008) debates the social workers working in America. Using parenting groups with male inmates as an illustration, the author explains the difficulties and rewards of practicing social work with some of the over two million incarcerated people in American prisons. Social workers must be fully aware of the effects of environment on practice. Prison is an institution where security is paramount. It is governed by conflicting rules and usually follows a philosophy based more on punishment than on rehabilitation. Social workers in prison are often subject to a great discrepancy in power between themselves and the institution. There are many frustrations and often many obstacles. Prisoner reentry has become a lens through which to view the numerous issues related to the process of a prisoner’s release from incarceration and his or her reintegration into communities and society at large. It seeks to encourage the coordination of programs, services, and human resources—both inside and outside prison walls—in order to ensure the successful assimilation of prisoners into new lives, roles, jobs, families and communities.

Stern & Carrel, (2008) addressed this issue in their research. Prisoner reentry consider the wide array of issues—probation, parole, prisoner deinstitutionalization, restorative justice, recidivism, crime victims’ rights, public safety, health, substance abuse, family violence, mental illness, housing, employment and economics. It is advised that the policy circles
must look into this matter with a more serious concern. Easton, (2008) examines the impact of prisoners’ rights in the UK and the US in relation to the shift in prisoners’ status from a state of social and civil death towards a recognition of their citizenship that is grounded in social inclusion. The study argues that the concept of citizenship can be reconstructed to include prisoners and that a rights-based approach is crucial in moving the prisoner from the status of a non-person, who is socially dead, towards citizenship. There are parallels between the movement of the slave from social death towards citizenship in the US in the nineteenth century and the movement of the prisoner towards citizenship in the twentieth century in the US and the UK. The courts’ role was limited to removing from prison those who had been illegally confined. The UK courts have been equally reluctant to intervene in the day-to-day running of the prison system and prisoners have had to fight to establish their rights. The issues raised by prisoners’ rights are political issues which need to be resolved by governments rather than the courts, but there is wider acceptance of the courts’ involvement in substantive conditions of detention.

Shinkfield, Graffam, & Meneilly (2009) indicated high prevalence rates of physical and mental ill-health conditions among prisoners, in addition to high rates of substance use prior to prison entry. Authors showed that a higher number of diagnosed mental ill-health conditions among prisoners was associated with greater anxiety. Prisoners might become increasingly stressed and anxious due to the effects of their mental ill-health conditions. Feelings of anxiety may be associated with returning to an at-risk environment, given that many prisoners return to the physical and social environments associated with criminality. The emotional state of prisoners may be influenced by numerous health problems that are highly prevalent among population. The emotional states of depression and anxiety have
implications for prison management, such that decreasing the severity of these emotional states among prisoners may lead to fewer infractions, reduced aggressive behavior, fewer suicide attempts, and fewer returns to custody following release. This work suggests that the health needs of individuals that enter prisons with conditions of ill-health and a history of substance use, especially co-morbid conditions with substance use, needs to be addressed as a matter of some urgency.

Gender-responsive treatment and supervision programs have proliferated in prisons. Such programs provide comprehensive treatment and services that are tailored to address women’s unique needs. Stalans (2009) observes that although gender-responsive programs vary greatly, their core components include trauma counseling, substance abuse treatment, and referrals for ancillary services—including health care, housing, child care, domestic violence treatment, employment, and other social services. Gender-responsive programming provides comprehensive treatment and services to women offenders. Gender-responsive programming is predicated on the notion that men and women follow different pathways into and out of criminal offending.

Fraser, Gatherer, & Hayton, (2009) observes that there is a need to send out a message that good prisons can be good for public health; and that good prison practice that promotes mental health makes the country safer because people in prison who have problems that are addressed are less likely to commit more crime after they leave. Health services, the case of mental illness in prison is a reminder that the balance of care needs to shift towards the support of people with complex problems. Prison is just one setting where health services are likely to find people who are usually hard to reach, and who can gain so much from good services. The public and the
justice system must understand that prison should not be a dumping ground for people with mental illness. The prison population has increased substantially in countries around the world and significant numbers of these prisoners are parents. Children of prisoners experience separation from the imprisoned parent. The separation and precursors to the separation often diminish these children’s social-emotional and educational well-being. Edwards (2009) enquires into the social emotional and educational functioning of children of prisoners. Many of these children are of school-age and evince behavioral and emotional difficulties that hinder school related functioning. These children may feel abandoned, ostracized, or stigmatized and these feelings may be partly responsible for their social-emotional distress and problems functioning in school.

Shahidullah & Nana Derby (2009) elaborate criminalisation in the context of modernisation. The growth of modernization in a society is intimately connected to the growth of legal evolutions related to criminalization. While modernization expands the boundaries of tolerance in an open society, it also expands the boundaries of crime and criminalization. As modernization expands on a global scale, the process of redefining crime, criminalization, and victimization also occurs on a global scale. In the modern societies of the West, the advance of modern law and justice and the progress of the notions of human rights have expanded the boundaries of freedom. They have also expanded the boundaries of criminalization in a number of social, cultural, political, and economic domains. One of the major areas of criminalization that has rapidly expanded with modernization and globalization, particularly in the West, is domestic violence. During the last 30 years, a series of laws have evolved in these societies that criminalize a wide variety of behaviors related to domestic violence. A comparative study of legislative developments on domestic violence in the United States, Brazil,
India, Japan, Bangladesh, and Ghana suggests that, in each, a relatively homogenous set of laws against domestic violence has evolved. The societies that are undergoing modernization and globalization are bound to enlarge their boundaries of criminalization. The expansion of the process of criminalization is not necessarily a process of contraction of human rights and freedom. In fact, the expansion and protection of human rights and freedom and the need for governance through justice and due process necessitate the expansion of the boundaries of criminalization. This necessity seems to be an irreversible process because modernization demands that new rights and freedom become inclusive and universal.

Mangoli & Tarase (2009) discuss the issue of violence against women. The subject is debated in the Indian context. In Indian society, woman occupies a vital position and venerable place. However, Indian women remain subjugated and oppressed. Indian women are facing issues of public violence. They can be easily victimized from any nook and corner of the society.

Grace Ego & IJEH (2010) evaluate the role of correctional institutions in reducing crimes. Incarceration of offenders has increased dramatically over the years. Nonetheless, more ex-prisoners still go back to the prison. The failure of correctional institutions to reduce crime needs to be addressed. Rehabilitation of prisoners via qualitative and vocational education is necessary. Prisoners are a group of disadvantaged individuals who have been dehumanized, marginalized and denied of various rights including education, vocational training, rehabilitation and integration. Prison administrators, teachers and the government have paid little or no attention to their readjustment and rehabilitation. Education is said to be the bedrock of any human endeavor in achieving development and productivity.
It will help prevent ex-prisoners from finding their way back to the prisons. Government and prison administrators should provide an enabling environment for these prisoners. Correction should not be by punishment but by reformation.

Green, (2010) aims to provide a critical examination of the various types of treatment interventions that affect the mentally disordered offender. This area has seen vast change within recent years, with a number of factors contributing to the desperately high proportion of mentally disordered offenders currently held within prisons in England and Wales. Arguably, focal to debates surrounding the appropriateness of treatment for this group is the care and control dichotomy that has historically undermined successful policy implementation for this group. This work address the various approaches that have been taken, exploring whether it is possible to balance punishment for their offending behavior with a need to treat their mental disorder, whilst taking into account concerns with public safety that have increasingly penetrated debates surrounding the treatment of this group. It was found that despite frequent changes in the type of strategies to deal with this group, the healthcare needs of mentally disordered offenders have been sidelined by a trend to place mentally disordered offenders within penal institutions, whereby their health needs become secondary to their categorization as offenders.

United States rehabilitation and incarceration Policy is examined by Piquero & Steinberg (2010). Public opinion polling generally shows that the public favors less punitive responses than policymakers often suppose. Rehabilitation yielded a higher amount in program benefits than the addition of incarceration time.
Krishnan & Kumar (2011) debate the plight of prisoners in modern India. Accounts of prisoners languishing behind bars for several years and sometimes decades awaiting their day in court are not uncommon. This should be tackled by proper measures.

Super (2011) looked at official discourse on imprisonment under the apartheid and post-apartheid governments in South Africa. The author shows how the ANC government has attempted to reinvent the prison as a means of establishing order in post-apartheid South Africa and that the demise of apartheid and advent of democracy have been accompanied by an exponential increase in long-term imprisonment.

Bartels & Gaffney (2011) say that good prison practices are essential for the wellbeing of prisoners and the wider community. The purposes of incarceration not only include retribution, punishment, deterrence and incapacitation, but also rehabilitation. Prisons and prison systems are still typically organized around the needs and requirements of male prisoners. Any provisions made for women prisoners are still applied within a male-oriented framework and lack the female focus needed to assist women prisoners with their rehabilitation and social reintegration and many prison models do not provide women prisoners with the support, services and requirements they need to achieve their rehabilitative goals. This work explores some recent practical and theoretical developments that have been incorporated into women’s prison models.

Prison condition in Nigeria is discussed by Ogwezzy (2011). The conditions of prisons in the country have deteriorated over the years and once a person is convicted by Nigeria Courts or justice system to serve a prison sentence, such person is perceived by the society to have been sent to hell on earth. In Nigerian prisons, many inmates sleep two to a bed or on the floor in
filthy cells. Toilets are blocked and overflowing or simply nonexistent, and there is no running water. Diseases are widespread and successive governments have also demonstrated less than satisfactory commitment to reforming the laws regulating Nigeria’s prisons. The current Prisons Act was enacted in November 1947 and is yet to undergo any fundamental reform since then. Poor health conditions in prisons undermine public health in the entire community. Overuse of imprisonment has a dire impact upon families, its adverse effects affecting the development of children long after a parent’s prison term is served.

The prison system in Pakistan is discussed by Akbar & Bhutta (2012). Pakistan inherited the prison system as a colonial legacy after the partition of British occupied subcontinent in 1947. With the passage of time the deteriorating condition of prisons and prisoners beckoned the attention of governments and human rights organization as they began to realize that life conditions in prisons is closely related with recidivism rate and criminal behavior. The ideas of community correction and rehabilitation altered the functions and objectives of modernized prison institutions. To improve the living conditions of detainees, various commissions and committees have been constituted by government of Pakistan. Administrative, legislative and reformative measures were recommended by different commissions to address the major problems facing the prisoners and prisons. Notwithstanding, a substantive gap remained between policy decisions and implementation level. Living conditions in prisons are miserable due to poor implementation of reforms. Prisons have turned into places of illegalities and fertile breeding place for offenders. The administrative measures taken to improve the conditions of jails are required to be implemented in true spirit. Poor rate of conviction, unnecessary and lengthy procedure of trial, production mechanism of prisoners in courts, creation of unnecessary hurdles
in awarding jail remission to prisoners, problem of holding courts in jails, over-crowding, accommodation facilities, non-existence of medical testing laboratories, lack of market oriented jail industries and improper security arrangements are standing problems that demand comprehensive program for prison reforms.

According to the research conducted by Lennox, et al., (2012) prisoners have higher rates of mental disorder compare to the general population. Release from prison is also associated with a range of negative effects including increased mortality and suicide. This study examined the proportion of prisoners with severe and enduring mental illness in contact with prison mental health in-reach services who make contact with Community Mental Health Teams (CMHT) on discharge from prison. A total of 137 participants were recruited from prison mental health in-reach team caseloads and assessed as having severe and enduring mental illness. At a six-month follow-up, 53 (39%) had been released, but only four were in contact with the CMHT. There is a need for robust discharge planning and proactive care for prisoners with mental health problems. In this work authors highlight that even when discharge planning is undertaken, only a minority of prisoners then choose to actively make contact with CMHTs. One of the issues contributing to this may be a mismatch between the priorities of prisoners and mental health professionals. A prisoner’s priorities may focus on issues such as accommodation, family relationships and financial issues. Consequently, discharge planning should be holistic, focusing not only on mental health, but also on wider determinants of social stabilization, such as, substance misuse, housing and employment rather than on mental health treatment services. Mental health in-reach teams and CMHTs need to be much more pro-active with discharge planning arrangements as prisoners are unlikely to engage on their own accord.
Services need to be flexible and open, providing dual diagnosis care as the norm not the exception. Primary mental health care services need to be established within prisons, analogous with that provided in the community.

Bartlett, Somers, Reeves, & White, (2012) examine the issue of mental health of prisoners. Department of Health (DH) guidelines suggest that transfers of prisoners with mental health problems to hospital should take 14 days from first assessment to transfer. Authors examine the extent to which transfers of women prisoners from a large women’s prison in England is meeting this target. It considers in detail 100 recommendations for hospitalization and analyses the process to establish rate of transfer and where applicable reasons for slow transfer. Mental health problems are common in both remand and sentenced prison populations; 20% of men and 40% of women have received help or treatment for mental and emotional issues in the year prior to entering prison. In 2006, the National Health Service (NHS) took over healthcare commissioning for prison to provide prisoners with the same access to healthcare as the general public. The use of Section 48, the urgent treatment order, needs urgent review. These findings suggest that current practice is at odds with the legislative intent and there is no reliable mechanism to achieve urgent treatment. The current development of a DH strategy for secure provision for women’s capacity is required to match demand and provide in-patient care when it is needed.

Vincent, Perrault, Guy, & Gershenson, (2012) demonstrated that an evidence based risk assessment tool for general and violent delinquents can identify risk level in a valid manner across adolescence, and possibly during childhood. Gordon, et al., (2013) deals with health issues of prisoners. Male and female heroin addicts differ in terms of their health and drug abuse treatment needs and that these differences have important implications for
treatment planning. Gender and other baseline characteristics were significantly related to severity of drug use patterns as evidenced by a history of injection, of poly drug use, and of heroin use during the index incarceration. Female participants were more likely to have been physically and sexually abused compared to their male counterparts. Regarding the difference in race, although rates of drug use among the general population do not appear to be substantially different between African Americans and other racial groups in the United States, African Americans may be more subject to heroin addiction as heroin trafficking tends to be found in the poorest areas of inner cities, where ethnic minorities are more likely to live. Concerning heroin use in prison, the observation that male gender was related to this was not surprising in that males tend to engage in crime and other deviant behavior and rule breaking more than women. Individual characteristics and treatment approaches can differentially affect outcomes by gender. All of these differences may have important clinical, treatment, and research implications.

Imprisonment and its effects on inmates have a long and complex history over the past decades, with researchers having varying opinions. Early researchers suggested that imprisonment had negative psychological and physical effects on its inmates, leading to psychological deterioration. Recent research, on the other hand, has suggested that imprisonment is not as detrimental as first thought. Picken (2012) aims to provide an overview of the coping strategies, adjustment and well-being of male inmates in the prison environment in this context. There is a link between coping strategies, adjustment and wellbeing of male inmates. It would be useful in conventional prisons to help inmates adjust and reform.
Lynch, Heath, Mathews, & Cepeda, (2012) address the issue of offenders’ traumatic experiences and post-traumatic stress disorder (PTSD). Authors studied numerous traumatic experiences, moderate to severe symptoms of PTSD and depression, and dependence on methamphetamine. Prior to the treatment, approximately half of the women indicated that they had received education programming, substance abuse education and prevention, and cognitive reframing classes, whereas a quarter described receiving classes in domestic violence and parenting prior to the study. There is clearly a demonstrated need for interventions that address complex treatment needs. In this study, participants in both conditions demonstrated improvements in PTSD symptoms.

Prisons have come to occupy the central place in the administration of Justice all over the world. The prison system has come a long way from the concept of jails to the modern prisons; a place full with all sorts of intramural treatment meant ultimately for rehabilitation of offenders. Sinha (2013) discuss the issue of prisons in India. The prison system as it operates today in India is a legacy of the British rule. It facilitated the abolition of our antediluvian system of barbarous punishments and substitution of imprisonment as a chief form of punishment for the commission of crimes. The emergence of open prisons marks the beginning of a new phase in the history of the prisons. A huge number of convicts or under trial prisoners are released from the prison every year, and therefore, object of prison laws and administration should be reform oriented to reduce recidivism. Open prison serves a dual purpose of eliminating criminals from society and reform of offenders under institutional treatment by blanketing out conditions which in the first place turned them to be law violators. It has opened a new vista in the realm of correctional treatment, promising an offender greater freedom, natural surroundings and lesser tension which culminate in creating
atmosphere more conducive to reform him and to achieve social, moral and economic rehabilitation in the society. The correctional facility of open prison is very effective for the realization of rehabilitative or correctional ideology without unnecessary confinement in a prison surrounded by high walls. Open prison is more favorable to the social adjustment of the prisoners and at the same time more conducive to their physical and mental health. The conditions of life in open prison resemble more closely to normal life and consequently desirable contacts can be arranged with outside world whereby the inmates be brought to realize that he has not severed all links from the society. By this open prison helps the prisoners to augment his confidence and create in the mind of prisoners a genuine desire for social readjustment.

Prisons have come to occupy the central place in the administration of justice all over the world. The prison system has come a long way from the concept of jails which were the dens of lechery, debauchery and moral corruption to the modern prisons. Sinha (2013) examines the prison system as it operates today in India. Scientific effort to modernize prisons in India was made by Sir Walter Reckless; he submitted an excellent report on prison administration in India.

Wulf-Ludden (2013) surveyed the friendship relations inside prisons. Incarcerated men and women provided similar descriptions of quality friendship; however, men fought more frequently and for different reasons than women did. In his research, he provides an aggressive not though physically violent and damaging interpersonal relationships among female inmates. These women indicated that relational aggression was common in inmate’s interpersonal relationships. Women contend with a variety of aggressive behaviors in prison.
Meek, Gajkovic, & Mills, (2013) examined services provided by Third Sector Organizations (TSOs), in prisons. There is a high demand for some services, particularly in the fields of accommodation; education, employment and training; and finance, debt and benefit. TSOs are likely to have only limited resources to meet such demand, and thus the proportion of prisoners that they are able to help will remain low; a situation that is likely to be exacerbated by expected budget cuts.

Ngo & Paternoster, (2013) examined gender differences in the emotional reactions and behavioral outcomes to one type of serious strain: stalking in prisoners. Females experienced significantly higher levels of stalking strain than males for only one type of stalking strain. The experience of stalking appeared to elevate anger among male victims and reduce anger among female victims, and female victims were more likely to express a variety of non-angry emotions in response to stalking stress as well as adopt a variety of legitimate coping mechanisms in order to deal with their victimization. They also uncovered emotional reaction to strain, fear, was more prominent for females than males. Stalking, feeling fearful, emerged as the most important negative emotion for female victims.

Barnes (2013) discussed the modern origin of prisons. There was a general European movement towards the moderation of criminal codes and towards the adoption of imprisonment as the typical method of imprisonment during the later eighteenth and early nineteenth centuries. The initiative in America was taken by the Philadelphia reformers under the leadership of the Society of Friends. The program was based in part upon an imitation of the colonial precepts and practices and in part upon an imitation of the European movements.
Shajobi-Ibikunle & Gloria, (2014) traces the customary methods of dealing with offenders prior to colonial rule in Nigeria. It finds that the prisons are overcrowded, conditions are deplorable with inadequate rehabilitation and aftercare provisions. The authors recommend greater use of fines by courts; restitution, mediation, probation and community service as non-custodial measures for minor and non-violent offenders. Several measures are recommended for rehabilitation and aftercare of convicts. As a matter of national urgency, the Judiciary should encourage judges to make greater use of available non-custodial sanctions in the penal statutes for offenders convicted of nonviolent and minor crimes. A penal policy that holistically addresses the treatment of offenders at each stage of the journey through the justice hallway should be spelt out. Half way houses for ex-convicts should be established for assistance in re-settlement challenges for ex-convicts. Prison authorities should identify non-violent convicts who have needed skills for small and medium scale industries in areas prisons are located. A form of work scheme can be worked out for training or use of convicts by such enterprises. Government should pay greater attention to deployment of technology in the establishment of a criminal justice data base for convicts. There is need to galvanize the community, media, civil society and institutions not traditionally associated with the criminal justice system in the benefits of non-custodial alternatives. Government should identify community associations, tribal unions, vocational associations who are willing to partner with it for monitoring of probation and community service.

Reddy, (2014) investigates the victim’s role in the criminal justice process. Over the past 5 decades the victim’s rights movement has influenced changing the system to seek a greater balance between the interests of the state and the interests of the victim. The victim during that time went from an ignored technicality to someone who was semi involved
with the process. Still, with that change in involvement victims often feel neglected and dissatisfied with the decisions that are reached in cases involving them and their ability to be heard during the process. Victim satisfaction will require greater communication in sentencing and better treatment by agencies of the state to avoid having the victim feel as though they have been victimized again by the system. Restorative justice may be considered more satisfying to the victim as the victim participates in a plan of action for the offender. Changing the definition of what a crime is to include the harm done to an individual will move the criminal justice system towards greater victim satisfaction. Moving the justice system to applying the victim satisfaction model is another step toward leaving victims happy with their role in the criminal justice process. These recommendations will allow the victim to become a more central actor in the justice system with the intent of achieving satisfaction for as many victims as possible.

Winlow (2014) analyses the status of criminology as an academic branch. In the academic sense, criminology has lost much of its early intellectual vitality. There is a dearth of new ideas and concepts that are needed to address the current reality of twenty-first century post-crash capitalism and its manifold and rapidly mutating problems of crime and harm. Liberal criminologists, who constitute the bulk of discipline, remain determinedly incredulous towards metanarratives. Criminology has always been a discipline orientated towards empiricism and distrustful of philosophical abstraction. This characteristic has grown to the extent that ‘theory’ now appears almost superfluous.

Sakhrani, (2014) dealt with forms of punishment. Infliction of pain and torture still constitute a principal technique of both investigation as well as punishment in India. The Supreme Court in a series of judgments dating
back to 1978 treated several letters written by prisoners such as Sunil Batra and Charles Sobhraj as public interest petitions and held that imprisonment did not mean the suspension of human rights and every prisoner has the right to be treated with human dignity. The Court has held that the Prison Manual should be made available to all prisoners and has from time to time in various petitions directed the State to improve the conditions in jail. The violence of the prison reinforces the structural violence of the outside world. In this work, a historical trajectory of the development of the prison during the colonial era as an institution made for the subjection of a people who are denied their citizenship rights is outlined.

Restorative Justice is often posited as a cheaper, more effective alternative to imprisonment, but it has the shortcoming of relying almost solely on the permission and participation of the victims. In this context Harding (2014) discuss Restorative Justice and view that Restorative Justice can be good for both victims and offenders in certain situations, but can also be damaging if not applied properly. RJ was good for victims, stating that it could help them to move on from the crime and is good for the offender in preventing recidivism, as the offender would be forced to recognize his victim, which would perhaps discourage him from committing the crime again.

Raju (2014) inspects the evolution of prison system and criminal administration in India. During the Vedic period administration of Justice was not a part of the state duties. Offences like murder, theft and adultery are mentioned, but there is nothing to indicate that the king or an authorized officer as a judge, either in civil or criminal cases, passed any judgment. Usually, the aggrieved party had to take such steps which could redress him/her. Crimes were divided into three groups, namely, a) Offences against
God, b) offences against State, c) offences against private persons. Imprisonment was not resorted to as a form of punishment in the case of ordinary criminals. In 1784 the British Parliament empowered the East India Company to rule India and since then some attempts were made to introduce reforms in the administration of Law and Justice. At that time there were 143 civil jails, 75 criminal jails and 68 mixed jails. In pursuance of the recommendations of the committee a Central Prison was constructed at Agra in 1846. In 1870 the Government of India passed the Prisons Act. This act categorically specified the duties of the prison officials. It also made provision for the separation of prisoners, males from females, of child offenders from adults, of criminals from civil offenders. The prison system as it operates today in our country is a legacy of the British Rule.

Behavioral and psychological effects of parental separation on children’s wellbeing are examined by Dodds (2015). The possible explanation for these effects and the trauma it elicits in the lives of affected children is examined. The author argued that certain similarities exist between both the prison and military contexts such as the ambiguous and repetitive nature of the loss which casts doubt on the uniqueness of the prison context in affecting children’s wellbeing. Prison visitation was considered to have an adverse effect on children’s wellbeing due to inappropriateness of the prison environment despite the fact that visitation might alleviate children’s adjustment problems. There is evidence to suggest that the adequacy of alternative caregiving arrangements is gender specific as the children of imprisoned mothers are said to fare worse than children of imprisoned fathers as they are more likely to be placed into a harmful environment. Dodds’s has examined the impact of parental separation on children’s wellbeing in two contexts, that of prison and the military. The examination of parental military deployment in regard to children’s wellbeing was unique to this research as it
had not received significant attention within criminological literature prior to this work.

Patnaik, (2015) examines the two basic types of ethical justification usually advanced in favor of capital punishment—those of deterrence and retribution. It contends that deterrence-oriented arguments, which fall under the rubric of utilitarianism, are questionable both on the grounds of their own consequentialist criterion—their supposed “utility” in producing a deterrent effect—as well as in terms of standard no consequentialist (deontological) ethical theories. Through an analysis of retributive justifications of capital punishment, grounded in Kantian deontological ethics, the author points to a tension internal to the retributive conception of punishment. This tension brings to light a deeper moral sense inherent in retributivism, which provides normative grounds for opposing the death penalty. This anti-capital punishment version of retributivism, which underscores the capacity for morality, and thus the bond that continues to exist between the offender and her community in and through the punishment relation itself, must be systematically distinguished from sanctity-of-life arguments and their pacifist consequences. A pacifist, on the other hand, who adheres to a strong sanctity-of-life position, necessarily advocates the preservation of life under all circumstances.

Objections to capital punishment also arise on “empirical” grounds that again reveal the irreducible interconnection between the empirical and the ethical–normative, but in a manner opposite to the orientation of deterrence arguments. Many argue that since one can never eliminate procedural errors, or miscarriages of justice based on socio-economic, racial prejudices, etc, which result in “undeserved” death penalty judgments, including innocent people being executed, capital punishment ought to be
abolished altogether. Advocates of death penalty counter this objection by taking a “purely” ethical–normative stance, admitting these factors as part of imperfect “social reality,” but maintaining that they do not impinge on the moral justification for capital punishment.

Rajah, Kramer, & Sung (2015) deal with juvenile rehabilitation programs in the United States. These programmes have moved towards ‘risk-needs’ models, which not only assess risks of recidivism, but also address young peoples’ needs.

Slade (2015) is of the opinion that when reform occurs in prison systems, prisoner insecurity increases. One reason for this is disorganization. The disruption to informal governance structures, distributions of power and mechanisms for establishing trust causes conflicts. In this work, the author argues that a key mechanism linking disorganization to conflict and violence is information flow. Incomplete information in interpersonal interaction marks prison settings. An informal institution for producing certainty for both staff and prisoners is necessary to overcome this. Such institutions are handicapped by reform directed at reducing informal prisoner controls. In such cases, violence becomes an information-generating activity and can substitute for reputation. Prison reform engenders disorganization and this will turn impacts levels of violence and conflict.

UN Secretary-General’s 2015 report on the state of crime and criminal justice worldwide (UN, 2015). Attempts to give an overview of the major global and regional trends for different types of crime and includes an analysis on intentional homicide, gender based killings of women and girls, bribery, human trafficking and wildlife crime. The report provides further compelling evidence that crime and criminal justice have a strong link to development. Corruption, in particular, has a negative effect on development
through misuse of public funds, unfair competition and additional costs on service users, reduction in public trust and weakening of the rule of law. There has been a global trend of stability or a slight decrease in some forms of violent crime (homicide, robbery and rape) with differences across regions and levels of economic development. The killing of women by intimate partners is prevalent at similar levels in all regions of the world, irrespective of levels of other types of lethal violence. Globally, property crimes have decreased, with motor vehicle theft almost halved and burglary reduced by more than a quarter. Criminal offences related to drug trafficking remained relatively stable while drug possession offences have increased markedly since 2003. Thirty-four per cent of the prisoners were serving sentences for violent offences (including intentional homicides), less than 30 per cent for property crimes, 20 per cent for drug law offences, 3 per cent for financial crimes or corruption and 14 per cent for other types of crime. Pre-trial detention contributes to prison overcrowding, which is challenging in most regions of the world. Regular monitoring and analysis of crime trends and the operations of criminal justice systems is important for measuring progress in strengthening the rule of law and advancing towards sustainable development.