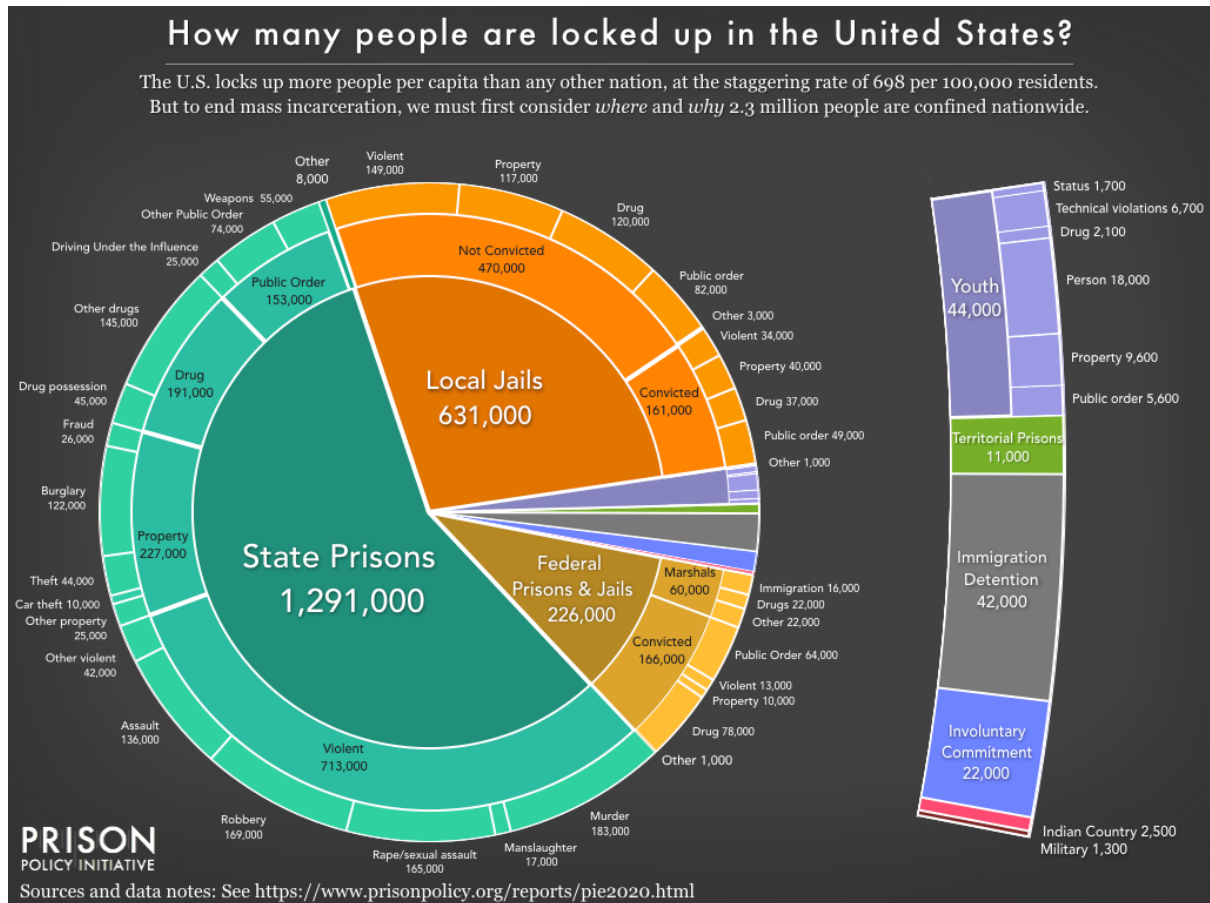


Deliberative analysis on types of punishment in the US

Introduction: One of the most relevant and controversial topics in the world nowadays is the punishment of criminals, its humanity and fairness. The number of people in the United States prisons is extremely high and has nearly 25 percent of the world's population prisoners — about 2.3 million people.



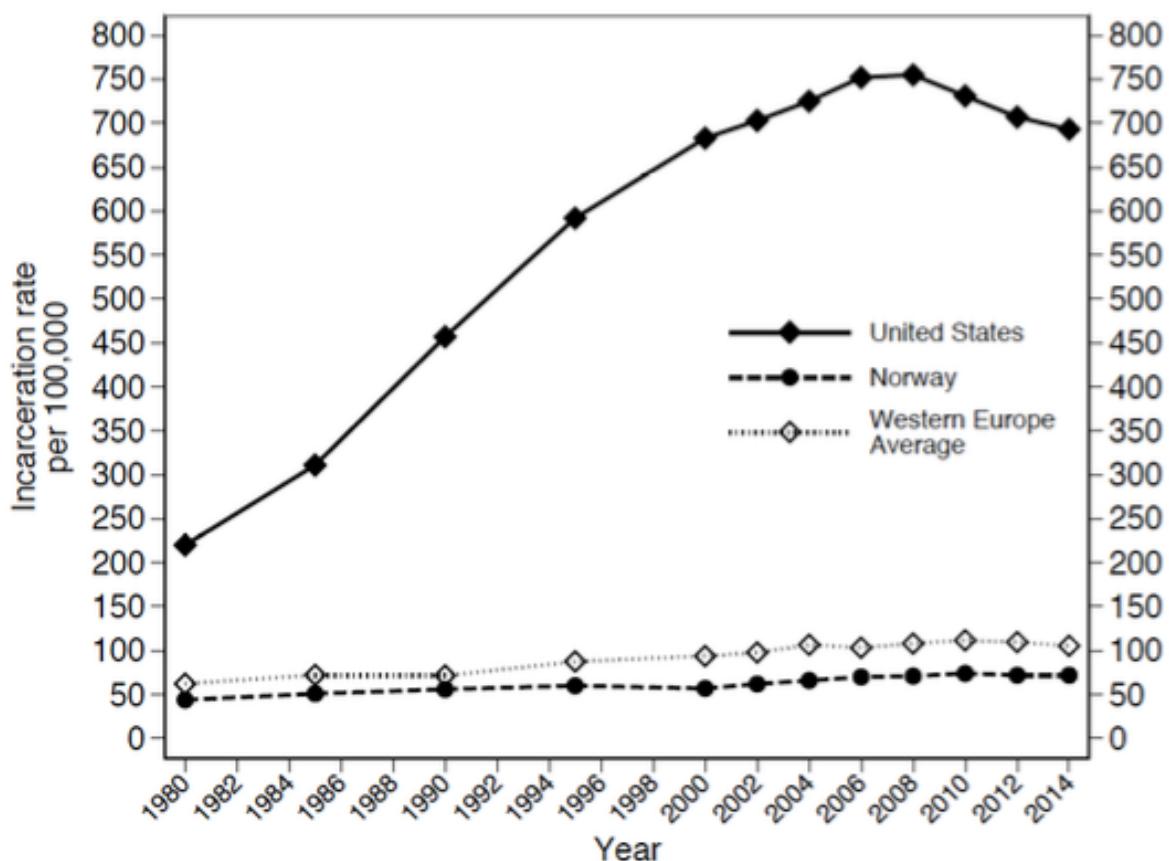
In this deliberative analysis I will provide 3 approaches for how to punish criminals and explain their effectiveness by providing the information of action steps, what proponents/opponents argue, and what are the main trade-offs. Moreover, I will incorporate visual aids, as well as discussion questions to help the readers to brainstorm the ideas and form their opinion on the issue.

Approach 1: *Creating rehabilitation centers and improving rehabilitation programs*

Introduction: This approach already effectively works in a couple of European countries and might beneficially influence the criminal justice system in the United States. I will focus on the minor crimes and will introduce the details of the approach that focuses on rehabilitation of the criminals rather than their imprisonment.

Action Steps: I propose to focus on rehabilitation programs for those who are convicted of minor crimes to reduce the level of recidivism which is extremely high in the United States.

U.S. Department of Justice report shows that “about 77% of all state prisoners were released by 30 states in 2005. The report of 2018 showed that about 68% were arrested within three years, 79% within six years and 83% in nine years” (Clarke). This approach is based on Norwegian criminal justice system focuses on the principle of normality and the total replacement of the standard imprisonment system with rehabilitation centers that would have a different climate that favors education and mental support.



Based on the scale of the needs that will appear during the development of the programs, the approach should be enforced and funded by the governmental employees, private entities, or nonprofit organizations on the state levels. Moreover, publicly traded corporations such as Corrections Corporation of America and GEO Group should allocate the percentage of their budget for the development of rehabilitation programs.

Proponents: People argue that this approach combats the idea of a total separation of criminals from society more than any physical separation imposed by prison, because when prisoners feel that they are not part of the society, they are more likely to lose motivation to follow the laws and norms of the society that has rejected them. According to Labutta, “by integrating retributivism as adequate punishment with rehabilitation, the United States could curtail the negative, unintended side effects of that punishment” (Labutta). Moreover, access to education should be a fundamental right for prisoners because the one of the most used rehabilitation programs is the educational one. Lastly, “the results indicate that participants may have had clear intentions to change their future when they started education or that, during education, they have realized its importance for coping better with life after release and avoid re-offending” (Roth).

Opponents: Many people can argue that it is very disadvantageous for the economical situation and it might potentially influence the increase and the decrease of the salary, so it can touch every member of the society. According to Poremba, “the cost of rehabilitation is greater than imprisonment. It is stated that more than \$ 93,000 is spent on each inmate in Norway when the \$ 31,000 average is spent in the United States per prisoner each year” (Poremba). One more common argument is that it is impossible to cure criminals, so it makes rehabilitation a waste of resources.

Trade-offs: The greatest dilemma of this approach is how people value the importance of quality over instant results and vice-versa. Even though it seems not financially viable at the

moment of the introduction of this approach, in the long-term it will lead not only to economical benefits, but also to reduced victimization and avoidance of harmful effects of prison. According to Dahl and Mogstad, “the calculations suggest that a European-style prison system, with its higher costs but shorter sentences, would result in significant US cost savings” (Dahl & Mogstad). On the other side, not only the cost uncertainty, but also questions of fairness can be asked by the society. Because the perception of punishment can be very different, rehabilitation programs can be considered as not harsh enough sentences.

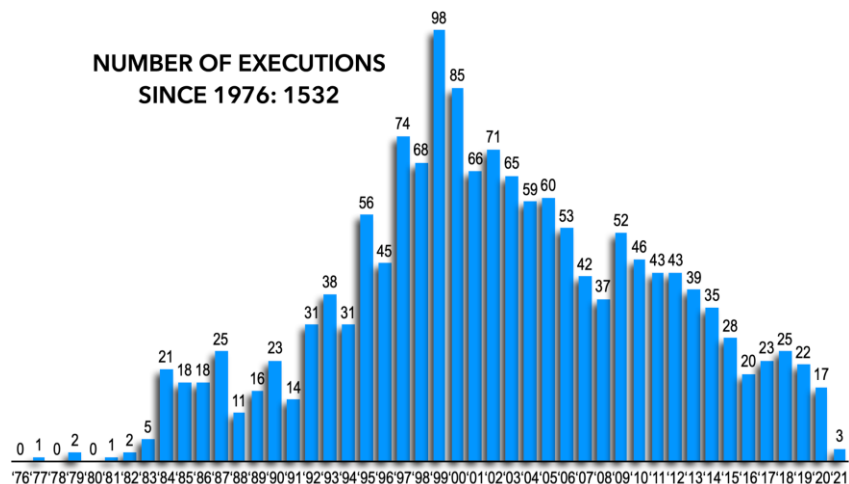
Discussion questions:

1. What are the programs that can help criminals get jobs after their release?
2. How effective will this method be for those who committed major crimes?
3. What qualification should people have to rehabilitate the criminals?

Approach 2: *Death penalty as a punishment for mass murder or serial killing without retrial*

Introduction: Right now the death penalty is a legal punishment in 28 states, American Samoa, federal government, and the military. However, the execution rates are extremely low and continue to decline. According to the Journal of Criminal Law and Criminology “in the span of fifteen years,

American death sentences have become rare and concentrated in a vanishingly small group of counties, which comprise only one



percent of all counties in the country” (GARRETT, JAKUBOW & DESAI).

There are many different forms of execution. According to the death penalty information center, lethal injection is the most widely-used method of execution, but states still authorize other methods, including electrocution, gas chamber, hanging, and firing squad”.

Action Steps: The methods of execution should be improved, because not any of the approved methods guarantee 100% efficiency and painless death. Technological progress has moved beyond from the time when most of the requirements for executions were set and some of the adjustments are required. The government should budget institutions for further research. For example, by funding engineering institutions, scientists could work on better calculation for hanging, such as the length of the rope, material, angles, etc. reduce the probability of error to zero. Moreover, by funding chemical and medical institutions, scientists could work on the lethal injection that would provide criminals with a painless and faster death.

Proponents: Those who are executed cannot commit further crimes which is extremely likely to happen. According to McLeod, “the studies show that unless (and perhaps even if) life without parole is coupled with severe restrictions and isolation, it may not suffice to protect other people from very dangerous offenders” (McLeod). There have been cases of persons escaping from prison and killing again. And even if the offender may no longer be a danger to the public, he remains a danger to prison staff and other people. Execution would remove that danger. Moreover, many people argue that the capital punishment violates the Eighth Amendment because it is a “cruel and unusual punishment”. However, “for over forty years, the Supreme Court has held that the death penalty is not invariably cruel and unusual in violation of the Eighth Amendment, but that some applications of the death penalty are” (Burry). For example, the Court has ruled that execution of mentally retarded people is who were under age 18 at the time of their crime is unconstitutionally cruel and unusual. Because the law states that these individuals can not be executed, the argument about the 8th Amendment is not effective and can't be applied to other criminals.

Opponents: Firstly, the huge risk of human error that will lead to the death of an innocent person: the human factor plays a huge role in a decision-making process, so obviously some prejudice or biases might play a key role in whether the person will be executed or not. Secondly, the statistics shows that the capital punishment doesn't stop or prevent from further crimes, even though it is considered one of the main reasons for the capital punishment: no evidence exists to suggest that the death penalty serves as a general deterrent to a murder. According to Rizer and Hyden, “when analyzing homicide rates between states that share comparable economic, demographic and social characteristics, there is no statistically significant difference between murder rates in states with or without the death penalty” (Rizer & Hyden). Lastly, there can't be a humane way to kill a person, and the studies show that lethal injection has the highest rate of error despite being the most “humane” and most

common option. When injections go wrong, it can take a long time for a prisoner to die and cause chemical burns and injuries.

Trade-offs: Financial aspect. It is still hard to say whether capital punishment is more expensive than life without parole, because evidence from different states show different results. Also, there is a constant comparison between the death penalty and life without parole from the moral point of view. Many people state that there should be found the most humane punishment, while others seek justice believing that criminals deserve as harsh a punishment as possible. Unfortunately, the argument whether one form of punishment is more humane/harsh than another is extremely hard to solve, and while the majority of people state that there is nothing worse than a death so criminals should be executed, but according to Mill, “capital punishment is more humane than any other alternative that now exists because it provides instant relief rather than all-life suffering” (Mill).

Discussion questions:

1. What is the longest period of time for the person to be on a death row?
2. What are other methods of execution that were banned for being inhumane but can be modified and legalized again?
3. What are the consequences for the judge who makes a mistake and how they can be modified?

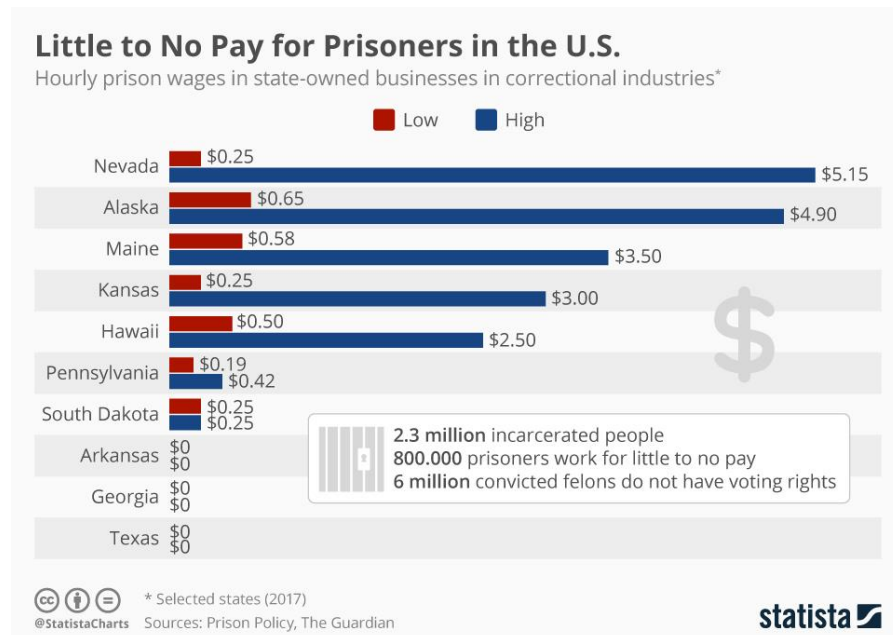
Approach 3: Forced labor with a choice of reward

Introduction: Prison labor is frequently used by both small companies and large corporations, including state-owned corporations. According to Hussain, “prison labor is enabled in the United States by the 13th amendment of the U.S. Constitution which prohibits slavery “except as a punishment for crime” (Hussain). It brings a great profit, but raises tremendous debates about its humanity and ethicality.

Action Steps: Making labor forced but giving criminals the choice of rewards: either increase salaries or time credits. According to Decker, “prison wages must be high enough to cover the fees imposed by the criminal justice system while allowing offenders to reserve enough money to have a fair start upon release” (Decker). Because some of the prisoners will be able to choose time credits instead of wages for their labor, it would save a lot of money to increase the wages for those who choose money. Moreover, companies that make profit from prison labor, such as McDonalds, Walmart, Wendy’s, etc should be taxed more, and this money will be directed to increase the prisoners salaries. “If prison labor took the form of labor with drastically improved wages, safety standards, and educational opportunities, employment could genuinely set up people in prisons for better futures as returning citizens” (Garcia).

Proponents: First of all, people argue that even though it is a sort of punishment, criminals get the greatest benefits because they are given the opportunity to learn skills, earn money for living or time credits for the earlier release. Moreover, “time out of the labor force is positively related to criminal involvement, and that when workers expect their current employment to be of longer duration, they are less likely to engage in crime” (Crutchfield). Moreover, human resources don't idle and people make their contribution to the national welfare.

Opponents: Firstly, people argue that there is no difference between U.S. prison labour system and slavery, because criminals are held against their will and might encounter inhumane work conditions. Moreover, according to Feldman & Richter, “currently around



800,000 prisoners work daily for meager wages that are often docked for court-assessed fines, family support, and discharge money” (Feldman & Richter).

Secondly, one of the most common

arguments is that jobs are taken away from law-abiding citizens and the criminals should not be able to make money while they are imprisoned so they feel responsibility for what they've done.

Trade-offs: One of the main trade-offs are the fairness of the punishment and humanity. We want to make criminals' lives better, but at the same time it is crucial that they receive a punishment commensurate with their crime. Even though the prisoners are forced to work, the working conditions will be better, and the wages will be higher. Consequently, they still work in a favorable environment and get a decent wage as if they weren't imprisoned. Moreover, because they are motivated to do additional voluntary work to get benefits, and because they are getting used to constant work - they stop feeling a real punishment.

Questions:

1. What is the minimum/maximum workload that should be allowed?

2. What if the salaries in prison will be the same as out of it?
3. What percentage of prisoners can choose mental labour instead of physical one?

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