



Crime and Prisons

Beyond the Rehabilitation and Punishment Debate

Crime and corrections are based on our deep held, unconscious view of criminality. While science and technology, hard and soft, race ahead, many penal institutions remain lost in time.



While the rest of the world is undergoing dynamic change – genomics, democratization in Southwest Asia, digitalization, the rise of Chindia, the development of alternative energy such as solar – prisons are often considered static. They are hidden away from the eyes of the public unless there is a prison escape or if someone released on parole re-offends. However, prisons and policing are also in the process of radical restructuring. Generally the debate in this restructuring has been

between rehabilitation, humanizing the prisons, and punishment, seeking stricter and longer punishment for offenders. But the external changes through the field of genomics, ecological design and through soft technologies such as meditation, yoga and bio-psychology are changing prisons as well. Moreover, prisons themselves are being seen as organizations and thus in need of strategic planning, and indeed, some correctional facilities are attempting to become learning organizations, reflecting on their alternative futures and

their desired visions. Based on literature on prisons and foresight workshops with correctional and police leaders, alternative futures of prisons are explored.

POPULAR CULTURE AND THE FUTURES OF CRIME AND PRISONS

What are the futures of crime and prisons? One way to understand the futures of crime and corrections is through popular movies. In the 1976 American movie *Logan's Run*, for example, living past the age of 30 was in effect a crime. Population and the consumption of resources are maintained at a steady state through policing. Demography is the primary issue. And as we rapidly age throughout the world, criminal activity toward the aging will likely increase and new crime categories, unthinkable today, will be created.

In the 1982 *Blade Runner*, the criminals were replicants - biogenetically engineered individuals who performed tasks humans did not desire. They were banned from Earth, and if they secretly returned, they were hunted down and "retired" (permanently turned off) by "Blade Runners" (police specialists). Crime was associated with the undesirability of co-existing with a new species (one that, ironically, we created). As the Science and technology revolution continues to explode, certainly wildly new crimes associated with out-of-control robots and vicious digital viruses are likely to increase and grow becoming far more serious threats than they are today.

Not only are the dangers riskier but the science and technology revolution is giving new tools to address crime. For example, new forms of lie detection, based not on anxiety, but on brain scanning are likely to enhance the likelihood of apprehending criminals. Already a woman in India was found guilty of murder due to brain scan evidence in 2008. The 2002 movie *Minority Report* takes this much further when a number of psychics gain the ability to predict crime. Police appear at a crime scene just before the criminal act is actually committed. However, and not surprisingly, mistakes are made. Eventually the program must be abandoned, but not before considerable harm is done. Increasingly, we can expect very varied attempts to intervene earlier in the crime cycle. These will likely be in the form of enhanced surveillance technologies: from cameras in the sky to bio-monitoring cameras in the body.

As climate change continues to disrupt the planet - creating droughts, floods, tidal waves, and typhoons, to begin with - the move toward sustainability will no longer be merely a feel good green option; rather, it will become mandatory and need to be policed. Environmental crime - crimes that make an eco system more vulnerable, at national, corporate and personal levels - will grow. As regulation thickens and expands, police and others branches of law enforcement will be called into ensure compliance. Unfortunately, given that policing tends to be reactive - waiting for legislatures and judiciaries at the nation-state jurisdictional level - they

are unlikely to have the necessary skill sets to proactively and transparently police new arenas (ageing, environment, cyberspace, global, genomics, to begin with). In any case, prisons, within the current paradigm are likely to grow as crimes expand.

FUTURES OF CRIME

What then are the futures of crime? First we need to challenge how we define crime. Postmodernists, such as philosopher Michel Foucault, suggest we consider crime as a social constructed, historically defined, and not as an a priori universal. Laws are invented. For example, thirty years ago in developed parts of the world, forecasts of water scarcity and water crimes were dismissed. However, already today because of water scarcity, watering lawns in many cities is a punishable activity. Will a water mafia develop in the near future? Already in poorer countries, electricity theft is common. Policing energy, however, is challenging as corruption ensures that offenders merely pay a personal fine to the local police officer or electric company. Energy "thieves" are certainly not yet seen as criminals.

Or imagine a future vegetarian society where those who eat meat are sent to prison. What would our prisons look like then? What would be an appropriate sentence for a meat eater? What would early intervention be like? Given the link between our diet choices and climate change, is this really a far off scenario? And if the meat industry becomes a criminal activity, how will those who skirt around meat prohibition be treated? And: if environmental sustainability (how green are you?) is the emerging future, should the police of 2011 move toward carbon emission neutral police stations, cars? Should prisons become totally green? Should police and correction facilities engage in green audits? Become vegetarian? In what ways should police and prisons be representative of a changing society? And as we continue to globalize what is the appropriate jurisdiction for these types of questions. While there are certainly some geographical distinctions, as we continue to move toward a fully globalized society (capital, technologies, climate and crime do not respect national boundaries!), can we create laws and policies around policing and prisons that are also shared at planetary levels?

As Foucault suggests, to understand the futures of prisons and the futures of crime we need to understand the nature of society: what is most important? What do we value today? What might we value tomorrow?

REHABILITATION

In the USA and most developed nations, the main debate as to the futures of justice is between rehabilitation and punishment. Those on the rehabilitation side believe crimes are generally committed because of social and economic reasons. They also argue that crime and criminality is socially constructed, and thus, not a "god given" universal context but one that is created through historical practice.

The argument is: Born into a poor family, or a single



parent family, a person goes to a second-rate public school that labels them under-achievers. Overtime, they see themselves as not very worthwhile. Eventually (and especially if there is a nominal increase in their wealth) noticing their relative deprivation - that others are driving fancier cars, have more "perfect" wives and girlfriends, live in beautiful estates – and accompanied by a trigger event, they steal, or commit other crimes.

Imprisoning someone like that merely adds to the problem. In jail, offenders rarely learn new skills, except how to be a more successful criminal. Their peer group consists of other prisoners, with similar stories. When they are released from prison, they stay within their learned behavior and thus are likely to commit crimes again. For Police, it becomes the story of arresting the “usual suspects.”

If you believe in this perspective – rehabilitation - the reform interventions needed are multifold:

(1) Remove class barriers. Ensure that the possibility to move from lower to middle class and even to the upper class is there for all. Society should be based on merit. Equity. Equity. Equity.

(2) Help single parent families. By ensuring that children of single-parent families do not fall into the poverty trap, the chances of future crimes is reduced. Funding can come through various programs. Ensuring a nutritious breakfast for children (for body and brain development), housing allowance, unemployment insurance, counseling; indeed, any intervention that helps those outside of the merit system get the benefits that others are getting, and that increases the possibility of them feeling they are part of society is to be encouraged. And: it is crucial that a dependency trap not be created such that there is resentment on both parties – the state providing the benefits and the recipient who now becomes a welfare victim. Social justice should not be confused for psychological entitlement.

(3) Promote finer peer groups. As children grow, and develop peer groups, intervention comes through job training, sports camps, and community clubs - again anything to ensure that children do not start on paths of crime, and that they remain integrated in the family and

broader community.

(4) Create learning and healing communities. Ultimately intervention is about healing communities, reweaving the fabric of friendship, helping peers see that we are all in this together.

(5) Rehabilitate through transforming the prison. The rehabilitation model in prisons as well works to ensure that when the prisoner is released he will leave behind his previous behavior and start afresh. Interventions go from the simple of changing diet (research suggests that diets rich in fruits and vegetables and low in refined sugar reduce prison violence), changing the colors of prison cells, giving prisons meaningful work, prison gardens (so inmates can connect with nature), and work training.

(6) Use alternative sentencing. As much as possible, and where appropriate, keep those who have committed crimes out of prisons: whether through electronic sentencing or half-way houses, or volunteering ensure that those sentenced find ways to reconnect, to psychologically earn their way back into society. European nations have especially had success with this approach.

In this model – aspects of what now are called in the social policy profession the "What works" model - the goal is to ensure the prisoner (and victim, community) is healed ... that connections between self, nature, God, and community are remade, restored. Once balance is restored, the chances of the prisoner re-offending are diminished. The scientific evidence is that this model does work.

(7) Finally, if the offender or the person on the margin is from a non-dominant ethnic background there are many instances where culturally appropriate dispute resolution is important. Re-integrating back to the community may mean not using the dominant legal system but using restorative justice that is more culturally attuned. This is not universally applicable but there are cases where culture is crucial in policing and sentencing.

PUNISHMENT

In contrast, is the punishment model. The argument is that all the rights are given to the offender and to the marginal. And the victim - who may have been raped, or maimed - has none. In this approach, the best way to reduce present-day and future crimes is to keep serious offenders in jail. And there is evidence that backs this up - twenty-five percent of criminal activity can be reduced by lengthy prison sentences.

Underneath this approach is the view that if we do



something wrong, we should be punished. We have sinned, whether against our community, ourselves, or our understanding of God. Merely focusing on rehabilitation sends a signal of weakness to potential criminals. It also frustrates police who tire of repeat offenders. Thus, the most extreme version of this is the death penalty. While most Western nations have eliminated it - seeing it as repugnant murder grievously committed by the State - the USA continues this ancient practice. As do most traditional feudal nations (some of which would have an adulterous woman stoned to death, a sentence generally protested by certain other nations, including the USA).

The punishment model as well supports the: (1) the war on drugs, (2) the transformation of the prison through new surveillance technologies (making it safer for guards, in particular), (3) restorative justice for victims, and (4) privatizing prisons, to make them more efficient and cost-effective.

GENOMICS – A NEW VARIABLE?

The debate between rehabilitation and punishment is being challenged on a multiple fronts, especially from revolutions in science and technology, hard and soft. Three are pivotal: genomics, digital technologies and soft technologies behavior modification methods such as meditation, yoga and diet.

The genetics revolution, for one, is searching for the roots of crime in our DNA. If certain individuals are more inclined toward committing crimes - as by their risk-taking proclivities - we should intervene to ensure they do not behave in this way in the future. This means mapping our genes and our theories of the factors of crime. Intervention could take the form of gene therapy (healing the damaged gene array) or germ line intervention (ensuring the faulty gene is eliminated so that future generations do not inherit that fault).

Thus, the science of genetics joins criminology in a search for genetic solutions to crimes. These solutions can be done at various phases in the "chain" of crime, even afterwards (in rape cases, judges have sentenced individuals to take castrations drugs).

As mapping the human genome becomes cheaper, from a million dollars to 50,000 per genome to 5,000\$ - and very soon less than a 1000\$ - every child in wealthy nations at birth will most likely be given a life diagnostic map with the main risks factors identified. While currently the information of genome diagnostic sites is health focused – disease identification probabilities – we can well imagine “tough-on-crime” parliaments suggesting that police use it to identify those at high-risk for offending, for example, young males who drive and are prone for alcohol abuse. There is already initial evidence for the aggression or warrior gene. Biosocial criminologist Kevin Beaver of Florida State University’s College of Criminology and Criminal Justice argues that young males who carry the MAOA gene are more likely to join gangs and engage in violence. “While gangs typically have been regarded as a sociological

phenomenon, our investigation shows that variants of a specific MAOA gene, known as a ‘low-activity 3-repeat allele,’ play a significant role. “ Previous research has linked low-activity MAOA variants to a wide range of antisocial, even violent, behavior, but our study confirms that these variants can predict gang membership,” says Beaver. “Moreover, we found that variants of this gene could distinguish gang members who were markedly more likely to behave violently and use weapons from members who were less likely to do either.” As the genome becomes cheaper to sequence – a map for all – and as the technology becomes more available – an application (an app) for all – not only will genomics be used after the fact – forensics – but as well as part of social policy, as central to the rehabilitation and punishment debate. If we know that an offender is more likely to have the genetic variation that enhances his likelihood for criminal behavior is more punishment warranted or does it behoove society to enhance rehabilitation ...or is genetic modification the next route?

DIGITALIZATION

Digitalization is important largely to prevent current and future crimes. With increased video surveillance, poorly lit areas can be made safer. Child nabbing is far less likely as surveillance cameras will be able to capture a picture of the abductor. Over time, bio-digital devices linked to general positioning systems (GPS) can be fitted on most humans so that the capacity to prevent crimes is dramatically decreased (and new types of crime invented). Bio-devices are already being used in electronic sentencing. For crimes that do not hurt others - such as many drug crimes - home sentencing is already gaining in use.

Overtime, certain parts of the city could be seen as digital no-gos. A pedophile could have implanted in him a device that warns the local prison/police center that he is nearing a primary school. In this sense the new technologies allow us to place the prisoner in limited exile. Instead of being sent far away, his capacity to move is limited. This enhances his chances of being rehabilitated as well his chances of not offending again. Of course, many fear with these "all seeing eyes" the State could become too powerful, not only intervening in crime, but intervening in private non-criminal behavior. Corruption amongst the police could increase. The balance of individual civil liberties would certainly shift toward the needs of the State.

SOFT TECHNOLOGIES

As important as hard technologies such as bio-monitoring devices linked to GPS systems are soft technologies. India, for example, has found prison violence is reduced and offenders rehabilitate far more effectively if meditation is used as an intervention method. Prisoners find themselves calming down, centering, having increased clarity on their present and futures. Yogic masters and social philosophers like P.R. Sarkar argue that there are four reasons for crime: (1)



Snap judgment - based on a single emotional event; (2) Hormonal reasons - an imbalanced body-mind system; (3) Genetic and (4) Social and Economic structures. For the first and second causes, he recommends Yoga, meditation, dietary change - soft sciences. For the third, often prison is best at this stage (but with the goal to rehabilitate), and for the fourth, social and community intervention (economic opportunities, responsibility setting, peer pressure).

The work of Kiran Bedi, former, director general of the Indian Bureau of Police Research and Development, is also worth noting. She has concluded and demonstrated that meditation in prisons reduces violence in prisons and reduces the probability that prisoners will commit further crimes when released. Steven Landau has reported similar success for re-incarceration rates in North Carolina, USA.

CRIME AND ITS FUTURES BASED ON OUR VIEWS OF JUSTICE

Crime and corrections are based on our deep held, unconscious view of criminality. While science and technology, hard and soft, race ahead, many penal institutions remain lost in time. The ideas that govern them remain based on traditional notions of crime and punishment (sin and hell) and traditional notions of imprisonment (the prison, the cell, the jailor, the watchful eye).

If we wish to transform these places, we need to ask what is our preferred view of justice and policing, crime and corrections? Which would be the most serious crimes? Which less serious? Would you still have prisons? If so, how would they be designed? What are the appropriate roles of other stakeholders such as police, courts, communities and others in the Department of Justice. Seen this way, the futures of crime and corrections is less about forecasting new technologies, climate change, levels of globalization, demographic shifts, or social movements, and more about asking what type of world do we really want to live in? And, what steps can we initiate today to help create that world?

PROUT POLICY AND CORRECTIONS

Prout policy on prisons is focused on differentiating

the type of offender. Generally “criminals by instinct” require a team approach: a medical doctor, a psychologist, a counselor, a geneticist and as well, Sarkar, suggests a teacher of yoga and meditation. Quarantining them from others is crucial, as they can harm others directly and indirectly. Other types of offenders, such as “criminals by habit” require far more caution as they are well organized in their criminal activities. On the other hand, for “criminals by necessity” changing the socio-economic system so that there is social support (basic necessities) is far more important. Placing this type of offenders in prisons is nonsensical from a Proutist view. Indeed, Sarkar recommends social revolution in this case.

Generally Prout policy on prisons has seven prongs.

- First, Prout supports the meditation in prison program and suggests it go from a trial program to nation-wide, indeed, global.
- Second, along with meditation Prout recommends the use of scientific research to alter the physical and social environment of prisons, including vegetarian food, regular exercise and yoga.
- Third, Prout recommends early intervention as much as possible. This means financial support for at-risk groups: vulnerable families, single mothers with children and others who may resort to crime for opportunistic reasons.
- Fourth, Prout suggests that we need to be tough on the causes of crime: poverty, injustice, alienation and lack of meaning. Social change is required.
- Fifth, Prout focuses on city design. Cities need to be designed to enhance equity and prosperity, to include nature in cities, for example, thus enhancing well being. Lighting in cities is crucial, creating well lit green spaces. And, as much as impossible, decentralize industry so cities are less burdened by large populations. Decentralization is crucial to reduce crime.
- Sixth, Prout recommends rethinking prison design. Intelligent use of space can reduce violence in prisons. Enhancing biodiversity through gardens can enhance the psychological well-being of inmates. Feng-shui as well can assist in making prisons places where those that wish to be healed can do so.
- Seventh, for repeat offenders then prisons are important. But even there, the purpose of the prison is not so much to punish, but to ensure that when released the offender can build a healthy life. Leading the world in number of offenders, as the USA currently does, is not an indicator of a successful society.

To conclude: Prout would focus on changing the social and economic conditions so that fewer enter prison. And while in prison, Prout would focus on using spiritual, bio-psychological and ecological practices to

increase the chance of rehabilitation. And once offenders leave prison, Prout would continue to monitor offering support and direction so there is every possibility of their reintegration in society.

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Crime and punishment is also based on the type of society. In a warrior dominated society, where issues of loyalty, honor and courage are foremost, punishment can be extreme. In warrior societies, as in Saudi Arabia or Afghanistan, hands are cut off for certain offenses. In modern societies, where bureaucratic rules are foremost, the process of law has become most important. While we can never know for sure if someone committed a crime, we do our best to ensure that the process of justice is fair. Thus, the rights of a possible criminal are read. To those who can't afford an attorney, the State provides a lawyer and a group of peer judges. The reasoning here is that it is far worse to punish an innocent than let the guilty go.

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"I freed a thousand slaves I could have freed a thousand more if only they knew they were slaves."

- Harriet Tubman