

What is Confinement?

In the United States, criminal justice reform is driven by a definition of confinement that includes certain assumptions including:

1. Confinement is expensive;
2. Confinement capacity is finite;
3. Confinement degrades family relationships, drug treatment, and life skills development;
4. Confinement degrades rehabilitation in multiple ways including increased exposure to other criminals and addicts;
5. Confinement requires bricks and mortar that the government either builds or rents.

Because of these assumptions (and similar false axioms), criminal justice reform normally includes steps to reduce the number of those confined or the length of confinement for various crimes. The position appears to be one where locking people up is the problem and the fewer that are locked up the greater the supposed reform.

Such a position, supported by the aforementioned silly assumptions, ignores the true and practical purpose for imposing confinement upon the 2 million humans incarcerated by the United States of America.

From the outset, the expansion or revision of the concept of confinement accepts that there are extreme cases where examining a new definition does not apply. There will always be a Hannibal Lecter that simply needs to be locked up, and there will always be some old lady feeding too many cats that should never see the inside of a jail cell. Accepting those two extremes and within the confines of government resources, confinement must:

1. Segregate the offender from the general public for a period of time,
2. Restrict movement of the offender with the intent that such restriction protects the community and punishes the offender,
3. Optimize restitution to victims,
4. Modify offender behavior to degrade recidivism, and
5. Assess and address offender deficits including: a) education, b) psychological, c) physical, d) drug treatment

These five absolutes have historically been supported by a mindset that all of these goals can only be accomplished in a traditional corrections setting of a municipal, county, state, federal, or privately operated facility. This is an incomplete point of view.

Criminal justice confinement does not require bricks and mortar the government builds or rents and need not be constrained by a finite resource mentality or any other previously listed assumptions. By focusing on what must be accomplished and using that as the core definition of confinement expands the answer to the question: What is confinement?

The correct definition of confinement will end the false Hobson's choice of criminal justice reform or fewer criminals on the streets. A correct definition of confinement will let us be tough on crime and criminals while accomplishing true reform.