

Incapacitation



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Incapacitation Incapacitation is part of the philosophy of sentencing that determines that the effect of a sentence is to positively prevent an individual from making future offenses. This is opposed to simply deferring the individual from committing offenses in the future. As such, incapacitation is usually a prison sentence of varying length depending on the offense that was committed. The purpose of these prison sentences is to ensure that these criminals are put in a location and position that does not allow them to engage in further criminal activity. In many cases, this type of conditioning is exactly what is needed to cause a criminal to divert themselves from further activity. In the cases that the criminal is not conditioned, by remaining in prison they remain unable to commit further crimes.

Collective incapacitation is the implementation of crime-control effects of the present criminal justice system due to incapacitation. Collective incapacitation attempts to prevent crime by increasing the rate and length of time that a broad range of offenders spend in prison. This is done without taking into consideration possible future offenses. Selective incapacitation is an altered form of incapacitation that justifies the practice of giving more dangerous and indefatigable offenders long prison sentences, some of which can be indefinite or extend over numerous life terms. Selective incapacitation focuses more on criminals who are more likely to repeat their offenses in the future or else engage in more dangerous activity upon being released from their initial prison sentence (Auerhahn, 2003). Selective incapacitation is sometimes used on people who are less likely to commit further offenses, ensuring that their one sentence is going to be enough to rehabilitate them.

Though collective and selective incapacitation both deal with the

implementation of prison time to enable criminal offenders to avoid future offenses, there are differences between the two concepts. The greatest difference between collective and selective incapacitation is the purpose. Collective incapacitation is used for criminal offenders as a whole, though focuses especially on offenders that are not believed to commit further offenses in the future. Selective incapacitation is more picky, focusing on criminals that are at risk for being repeat offenders, or criminals that have no chance at repeating their mistakes after being imprisoned.

The effect of incapacitation varies from criminal to criminal (Hawkins & Zimring, 1997). The majority of criminals that are released after lesser sentences are usually rehabilitated and do not engage in future activity. There are cases when some of these criminals become repeat offenders, but then receive longer sentences depending on the severity of their crime. Similarly, criminals that have longer sentences that often result in the criminal being in prison for fifty years or more usually stop displaying criminal behavior during their sentencing. Since the concept and actions of incapacitations are still being implemented, the system is clearly a greatly effective one.

The Stanford Prison Experiment was a failure in regard to how effective incapacitation is. The pseudo-criminals got out of hand, but so did the pseudo-prison guards. All of the criminals had anxiety issues that caused them to either act out in ways that are not even seen in many prisons or else display emotional, physical, or mental distress. The prison experiment did not focus so much on how criminals reacted and were effected by incapacitation, but on how these people responded to the roles they were required to play.

References

Auerhahn, K. (2003). *Selective Incapacitation and Public Policy: Evaluating Californias Imprisonment Crisis* (Suny Series in New Directions in Crime and Justice Studies) (Illustrated edition ed.). Albany, New York: State University Of New York Press.

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