

Terms & Definitions: Corrections

Capital punishment

Capital punishment refers to the process of sentencing convicted offenders to death for the most serious crimes (capital crimes) and carrying out that sentence. The specific offenses and circumstances which determine if a crime (usually murder) is eligible for a death sentence are defined by statute and are prescribed by Congress or any state legislature.

Community corrections

The supervision of criminal offenders in the resident population, as opposed to confining offenders in secure correctional facilities. The two main types of community corrections supervision are probation and parole. Community corrections is also referred to as community supervision.

Custody

To have custody of a prisoner, a state or the Federal Bureau of Prisons (BOP) must physically hold that person in one of its facilities. A locality, state, or the BOP may hold inmates over whom a different government maintains jurisdiction.

Custody count

The number of offenders in custody. To have custody of a prisoner, a state or the Federal Bureau of Prisons (BOP) must physically hold that person in one of its facilities. A locality, state, or the BOP may have custody of a prisoner over whom a different government maintains jurisdiction.

Death row

Death row refers to incarcerated persons who have been sentenced to death and are awaiting execution (as in "inmates on death row"). Historically, death row was a slang term which referred to the area of a prison in which prisoners who were under a sentence of death were housed. Usage of the term continues despite the fact that many states do not maintain a separate unit or facility for condemned inmates.

Design capacity

The number of inmates that planners or architects intended for the facility.

Federal prisons

Prison facilities run by the Federal Bureau of Prisons (BOP). Prisoners housed in these facilities are under the legal authority of the federal government. This excludes private facilities under exclusive contract with BOP.

Immigration and Customs Enforcement (ICE) detainees

ICE holds persons for immigration violations in federal, state, and locally operated prisons and jails, as well as in privately-operated facilities under exclusive contract and ICE-operated facilities. Persons serving time in a local jail or in state or federal prison for either a criminal or immigration offense may be turned over to ICE after completing their sentence.

Imprisoned population

The population of inmates confined in prison or other facilities under the jurisdiction of the state or Federal Bureau of Prisons (BOP).

Imprisonment rate

The number of prisoners under state or federal jurisdiction sentenced to more than one year, per 100,000 U.S. residents.

Incarcerated population

Incarcerated population is the population of inmates confined in a prison or a jail. This may also include halfway houses, boot camps, weekend programs, and other facilities in which individuals are locked up overnight.

Indian country

Statutory term that includes all lands within an Indian reservation, dependent Indian communities, and Indian trust allotments (18 U.S.C. § 1151). Courts interpret section 1151 to include all lands held in trust for tribes or their members. See *United States v. Roberts*, 185 F.3d 1125 (10th Cir. 1999). Tribal authority to imprison American Indian offenders is limited to one year per offense by statute (25 U.S.C. § 1302), a \$5,000 fine, or both.

Indian country jails

Indian country adult and juvenile detention centers, jails, and other correctional facilities operated by tribal authorities or the Bureau of Indian Affairs, U.S. Department of the Interior.

Institutional corrections

Persons housed in secure correctional facilities. There are many different types of correctional facilities, operated by different government entities. Local jails are operated by county or municipal authorities, and typically hold offenders for short periods ranging from a single day to a year. Prisons serve as long-term confinement facilities and are only run by the 50 state governments and the Federal Bureau of Prisons (BOP). Private correctional facilities also operate under contracts for a wide variety of local, state, and federal agencies. Other correctional facilities are operated by special jurisdictions, including the U.S. Armed Forces, U.S. territories, and federal agencies, such as U.S. Immigration and Customs Enforcement (ICE).

Jail inmates

Offenders confined in short-term facilities that are usually administered by a local law enforcement agency and that are intended for adults but sometimes hold juveniles before or after adjudication. Jail inmates usually have a sentence of less than 1 year or are being held pending a trial, awaiting sentencing, or awaiting transfer to other facilities after a conviction.

Jurisdiction

A unit of government or the legal authority to exercise governmental power. In corrections, it refers to the government that has legal authority over an inmate (state or federal). Prisoners under a given state's jurisdiction may be housed in another state or local correctional facility.

Jurisdiction count

Prisoners under legal authority of state or federal correctional authorities who are housed in prison facilities (e.g., prisons, penitentiaries, and correctional institutions; boot camps; prison farms; reception, diagnostic, and classification centers; release centers, halfway houses and road camps; forestry and conservation camps; vocational training facilities; prison hospitals; and drug and alcohol treatment facilities for prisoners), regardless of which government entity physically holds them. This number also includes prisoners who are temporarily absent (fewer than 30 days), out to court, or on work release; housed in local jails, private facilities, and other states or federal facilities; and serving a sentence for two jurisdictions at the same time. This count excludes prisoners held in a state or federal facility for another state or the Federal Bureau of Prisons (BOP). However, prisoners housed in another state and under the legal authority of the governing state are included.

Mortality rate

A measure of the frequency of deaths in a defined population during a specified interval of time. It is usually defined as the number of deaths per 100,000 inmates. For example, the overall mortality rate for local jails in 2011 was 122 jail deaths per 100,000 jail inmates.

Movement

In corrections, a movement refers to an admission or a release from a status, such as prisoner, parolee, or probationer. Unless specifically noted, a transfer between facilities does not count as a movement.

Operational capacity

The number of inmates that can be accommodated based on a facility's staff, existing programs, and services.

Outcomes of investigations

Substantiated allegation means the event was investigated and determined to have occurred, based on a preponderance of the evidence (28 C.F.R. §115.72).

Unfounded allegation means the investigation determined that the event did not occur.

Unsubstantiated allegation means the investigation concluded that evidence was insufficient to determine whether or not the event occurred.

Parole

Parole refers to criminal offenders who are conditionally released from prison to serve the remaining portion of their sentence in the community. Prisoners may be released to parole by a parole board decision (discretionary release/discretionary parole), according to provisions of a statute (mandatory release/mandatory parole), through other types of post-custody conditional supervision, or as the result of a sentence to a term of supervised release. In the federal system, a term of supervised release is a sentence to a fixed period of supervision in the community that follows a sentence to a period of incarceration in federal prison, both of which are ordered at the time of sentencing by a federal judge. Parolees can have a number of different supervision statuses, including active supervision, which means they are required to regularly report to a parole authority in person, by mail, or by telephone. Some parolees may be on an inactive status, which means they are excluded from regularly reporting, and that could be due to a number of reasons. For instance, some may receive a reduction in supervision, possibly due to compliance or meeting all required conditions before the parole sentence terminates, and therefore may be moved from an active to inactive status. Other supervision statuses include parolees who only have financial conditions remaining, have absconded, or who have active warrants. Parolees are also typically required to fulfill certain conditions and adhere to specific rules of conduct while in the community. Failure to comply with any of the conditions can result in a return to incarceration.

Prison

Compared to jail facilities, prisons are longer-term facilities owned by a state or by the federal government. Prisons typically hold felons and persons with sentences of more than a year; however, the sentence length may vary by state. Six states (Connecticut, Rhode Island, Vermont, Delaware, Alaska, and Hawaii) have an integrated correctional system that combines jails and prisons. There are a small number of private prisons, which are facilities run by private prison corporations whose services and beds are contracted out by state or federal governments.

Prisoners

Prisoners are inmates confined in long-term facilities run by the state or federal government or private agencies. They are typically felons who have received a sentence of incarceration of 1 year or more. (Sentence length may vary by state because a few states have one integrated prison system in which both prison and jail inmates are confined in the same types of facilities.)

Private prisons

Prison facilities run by private prison corporations whose services and beds are contracted out by state governments or the Federal Bureau of Prisons (BOP).

Probation

Probation refers to adult offenders whom courts place on supervision in the community through a probation agency, generally in lieu of incarceration. However, some jurisdictions do sentence probationers to a combined short-term incarceration sentence immediately followed by probation, which is referred to as a split sentence. Probationers can have a number of different supervision statuses, including active supervision, which means they are required to regularly report to a probation authority in person, by mail, or by telephone. Some probationers may be on an inactive status, which means they are excluded from regularly reporting, and that could be due to a number of reasons. For instance, some probationers may be placed on inactive status immediately because the severity of the offense was minimal or some may receive a reduction in supervision and therefore may be moved from an active to inactive status. Other supervision statuses include probationers who only have financial conditions remaining, have absconded, or who have active warrants. In many instances, while on probation, offenders are required to fulfill certain conditions of their supervision (e.g., payment of fines, fees or court costs, participation in treatment programs) and adhere to specific rules of conduct while in the community. Failure to comply with any conditions can result in incarceration.

Rated capacity

The number of beds or inmates assigned by a rating official to institutions within the jurisdiction.

Sentenced prisoners

Prisoners under the jurisdiction of state and federal correctional authorities who have been given a sentence of more than 1 year.

Sexual victimization as reported by adult correctional authorities

Inmate-on-inmate or youth-on-youth sexual victimization involves sexual contact with a victim without his or her consent or with a victim who cannot consent or refuse.

Nonconsensual sexual acts are the most serious victimizations and include—

- contact between the penis and the vulva or the penis and the anus including penetration, however slight
- contact between the mouth and the penis, vulva, or anus
- penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.

Abusive sexual contact is less serious and includes intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person. Incidents in which the contact was incidental to a physical altercation are excluded.

Sexual harassment by another inmate includes—

- repeated and unwelcome sexual advances
- requests for sexual favors
- verbal comments, gestures, or actions of a derogatory or offensive sexual nature.

Staff-on-inmate or staff-on-youth sexual victimization includes both consensual and nonconsensual acts perpetrated on an inmate by staff. Staff includes an employee, volunteer, contractor, official visitor, or other agency representative. Family, friends, and other visitors are excluded.

Staff sexual misconduct includes any behavior or act of a sexual nature directed toward an inmate by staff, including romantic relationships. Such acts include—

- intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks that is unrelated to official duties or with the intent to abuse, arouse, or gratify sexual desire
- completed, attempted, threatened, or requested sexual acts
- occurrences of indecent exposure, invasion of privacy, or staff voyeurism for reasons unrelated to official duties or for sexual gratification.

Staff sexual harassment includes repeated verbal statements or comments of a sexual nature to an inmate by staff. Such statements include—

- demeaning references to an inmate's sex or derogatory comments about his or her body or clothing
- repeated profane or obscene language or gestures.

Sexual victimization as reported by youth in juvenile facilities

Sexual victimization includes any forced sexual activity with another youth (nonconsensual sexual acts and other sexual contacts) and all sexual activity with facility staff.

Nonconsensual sexual acts include any forced sexual act with another youth and all sexual acts with facility staff involving contact with the penis and the vagina or anus; contact between the mouth and the penis, vagina, or anus; penetration of the anal or vaginal opening of another person by a hand, finger, or other object; and rubbing of another person's penis or vagina by a hand.

Other sexual contact only includes kissing on the lips or another part of the body, looking at private body parts, being shown something sexual, such as pictures or a movie, and engaging in some other sexual act that did not involve touching.

Staff sexual misconduct includes all sexual activity with facility staff, including contact with the penis and the vagina or anus; contact between the mouth and the penis, vagina, or anus; penetration of the anal or vaginal opening of another person by a hand, finger, or other object; rubbing of another person's penis or vagina by a hand; kissing on the lips or another part of the body; looking at private body parts; being shown something sexual, such as pictures or a movie; and engaging in some other sexual act that did not involve touching.

Staff sexual misconduct excluding touching includes sexual activity with facility staff involving contact with the penis and the vagina or anus; contact between the mouth and the penis, vagina, or anus; penetration of the anal or vaginal opening of another person by a hand, finger, or other object; and rubbing of another person's penis or vagina by a hand.

Forced sexual activity includes sexual activity between youth and facility staff as a result of physical force or threat of physical force; force or pressure of some other type (e.g., threatening with harm, threatening to get the youth in trouble, pressuring the youth, or forcing or pressuring in some other way); and in return for money, favors, protection, or other special treatment.

State prisons

Prison facilities run by state correctional authorities. Prisoners housed in these facilities are under the legal authority of the state government and generally serving a term of more than 1 year.

Total correctional population

Total correctional population is the population of persons incarcerated, either in a prison or a jail, and persons supervised in the community, either on probation or parole.

Total incarceration rate

The number of inmates held in the custody of state or federal prisons or in local jails, per 100,000 U.S. residents.

Total inmates in custody count

To have custody of a prisoner, a state or the Federal Bureau of Prisons (BOP) must physically hold that person in one of its facilities. A state may have custody of a prisoner over whom another state maintains jurisdiction. This count includes inmates held in any public facility run by a state or the BOP, including halfway houses, camps, farms, training/treatment centers, and hospitals. This number includes the number of inmates held in local jails as reported by correctional authorities in the Annual Survey of Jails.

Tribal jurisdiction

Tribal law enforcement agencies act as first responders to both felony and misdemeanor crimes. For most of Indian country, the federal government provides felony law enforcement concerning crimes by or against American Indians. Certain areas of Indian country are under Public Law 83-280, as amended. P.L. 280 conferred jurisdiction on certain states over Indian country and suspended enforcement of the Major Crimes Act (18 U.S.C. § 1153) and the General Crimes Act (18 U.S.C. § 1152) in those areas. Indian tribes retain concurrent jurisdiction to enforce laws in Indian country where P.L. 280 applies.

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