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SYMPOSIUM: LAW AND THE CORRECTIONAL PROCESS IN WASHINGTON

INTRODUCTION

Daniel J. Evans*

Of all the problems which face a public official there is none which is potentially more explosive than that of corrections. Under the best of circumstances there is always public uneasiness over the correctional system; under the worst conditions, corrections are a corrosive political issue which can destroy orderly, rational action by the public or by elected officials. Recently, debate seems to have centered around the controversy of rehabilitation versus punishment. An absolutist position has been taken by many of those who embrace either of the two concepts. Unfortunately, this focus (1) fails to look at corrections as a part of the total system for the administration of justice; and (2) overlooks the fact that different circumstances and different persons within the correctional system may require different treatment.

In any consideration of the administration of justice a better understanding is needed in determining which activities are of a criminal nature and endanger the public. For example, in the last several years the legislature of this state has decriminalized alcoholism and recognized it as a condition requiring treatment and not criminal correction.¹ I believe there are other activities, now considered criminal,

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1. See WASH. REV. CODE ch. 70.96A (1974), discussed in Note, *Decriminalization of Alcoholism—Alcoholism as a Defense to Criminal Liability*, 50 WASH. L. REV. 755 (1975).

which demand inordinate amounts of time from both the police and the courts. We need to continue to redefine criminal activity and enable police to focus more extensively on the control of crimes of violence and those crimes truly damaging to the fabric of society.

Once a person has been arrested, the time between arrest and trial and between trial and (if convicted) punishment needs to be as short as possible. I believe far more can be done by way of effective management of this aspect of our criminal justice system. Furthermore, I believe it can be done without endangering the fundamental due process to which any accused is entitled. I agree with those who believe that for the guilty there must be a certitude of some punishment. I disagree, however, with those who assert that rehabilitation is of no value or that the certainty of punishment also entails a uniformity of punishment without regard to the individual or circumstances involved.

Corrections must meet the needs of society, and of the person convicted of the crime who eventually will return to society. It is essential that we have the kinds of corrections facilities and programs which will deal with the high-security risk prisoner, always present in a correctional system, who should be kept separate from other prisoners, preferably in another institution. We also need to have corrections facilities which, by the basic fact of incarceration, do punish, but which also provide programs of rehabilitation, education, and job training to those prisoners upon whom the programs can have an impact.

The essential feature of corrections is that while the correctional system receives the failures of society, there remains a moral, social, and economic attempt to assist those persons in the correctional process to become productive members of society. Any perspective, whether it emphasizes "punishment" or "rehabilitation," needs to recognize that the correctional system must work toward reintegrating those convicted of crimes back into society. With these factors in mind, it is my hope that this symposium on the correctional process in Washington can assist in focusing the attention of the legal community upon the practical and theoretical issues confronting the correctional system in this state.