

Crime and Mass Incarceration: Reform or a 'new normal'?

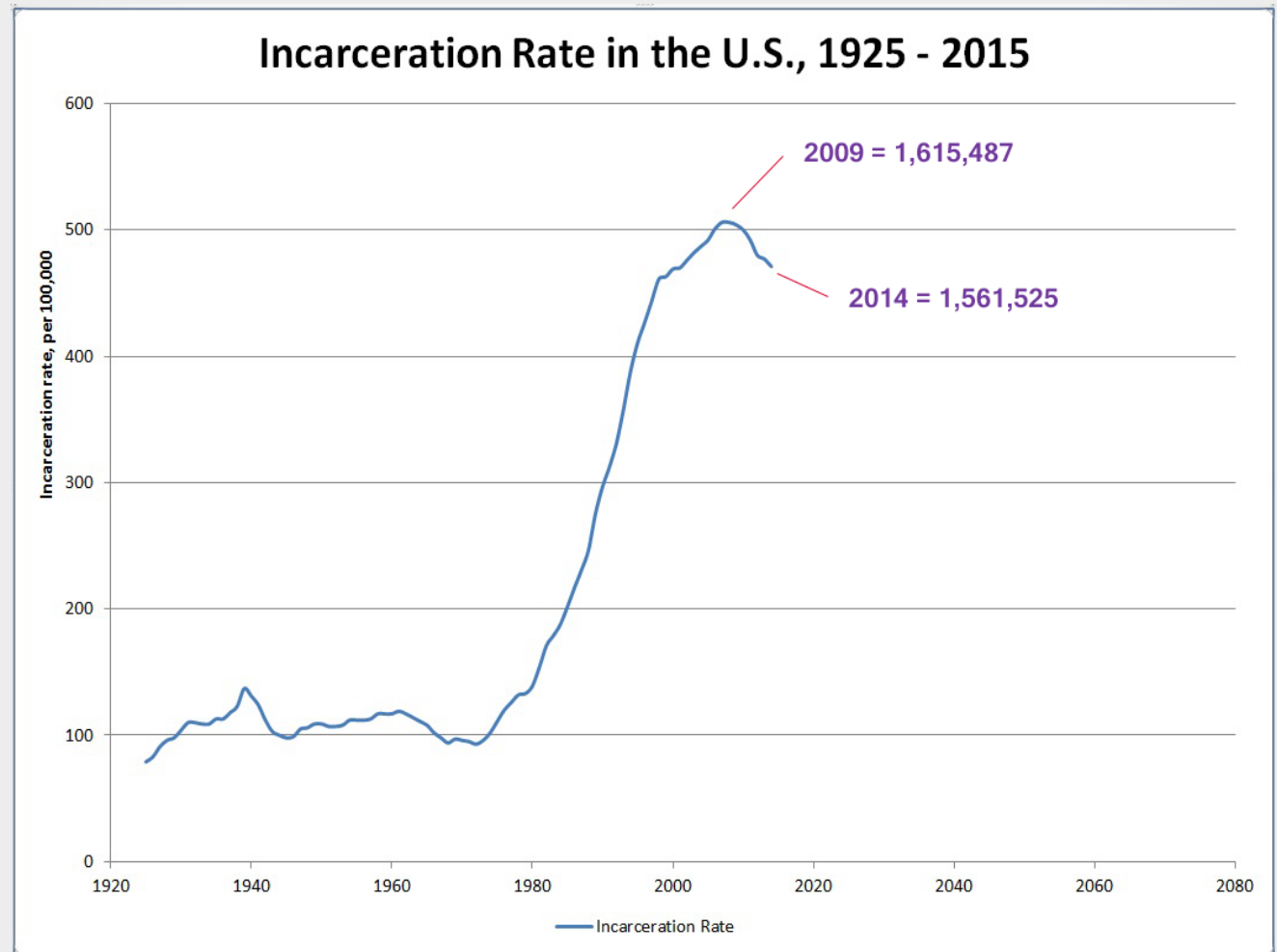
Dr. Paul Leighton
Eastern Michigan University
Osher Lifelong Learning Institute lecture,
January 21, 2016



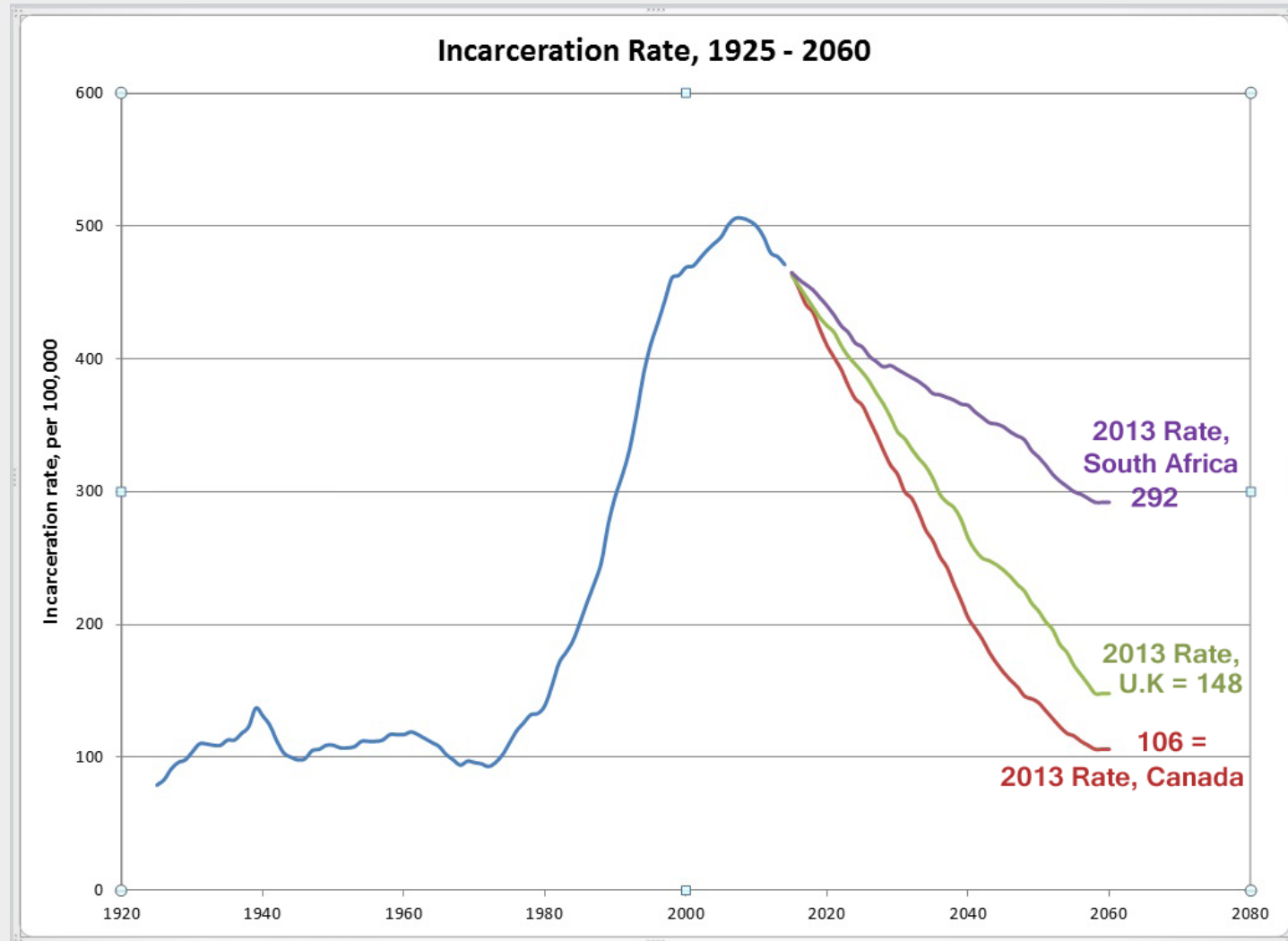
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Sentencing reform so far...

The number of inmates in state and federal prisons has declined about 54,000 in the last five years.



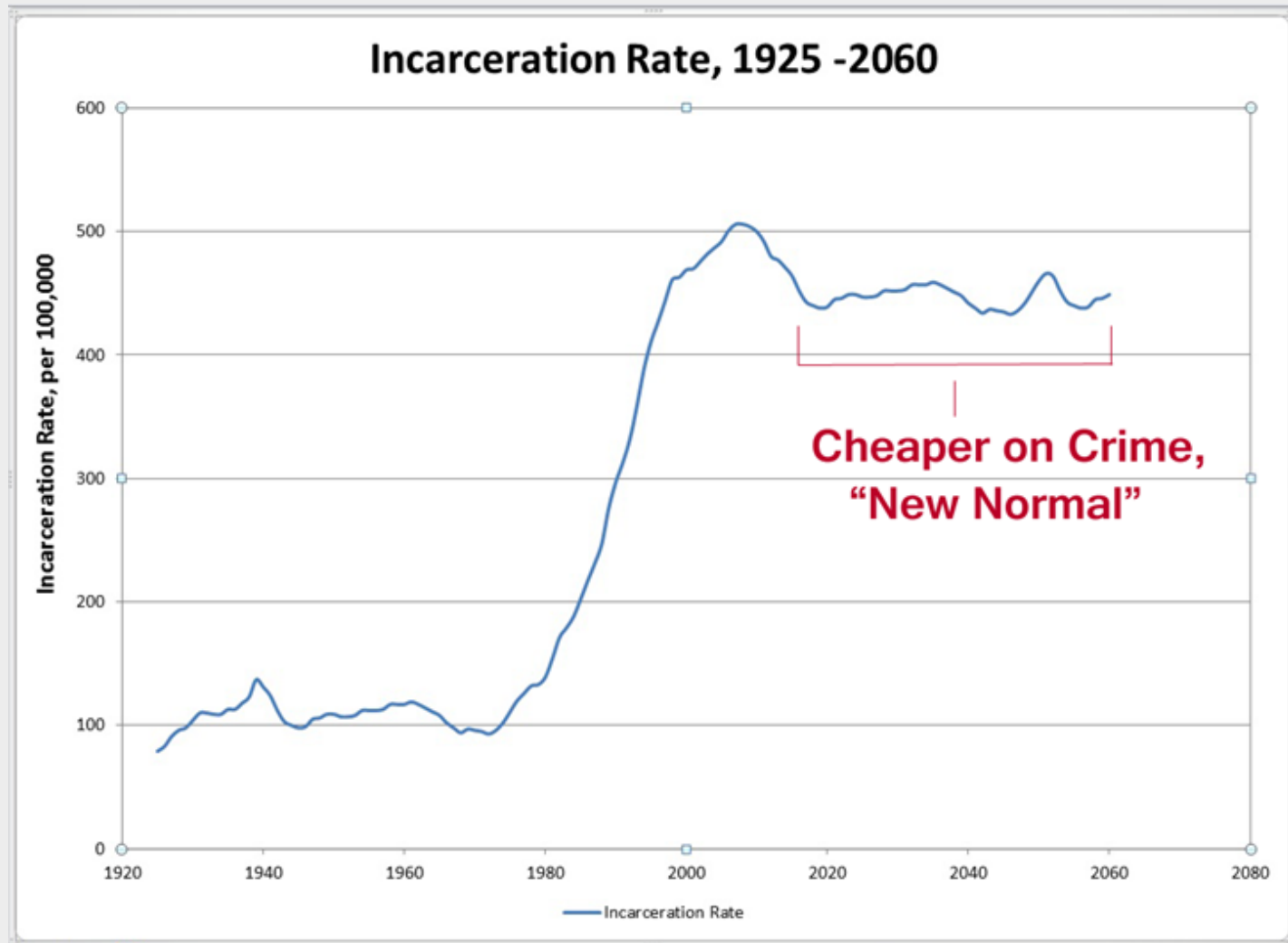
Reform Scenarios, next 35 years...



Data from 1925 – 2014 from Bureau of Justice Statistics, *Prisoners in 2014*, Table 1.

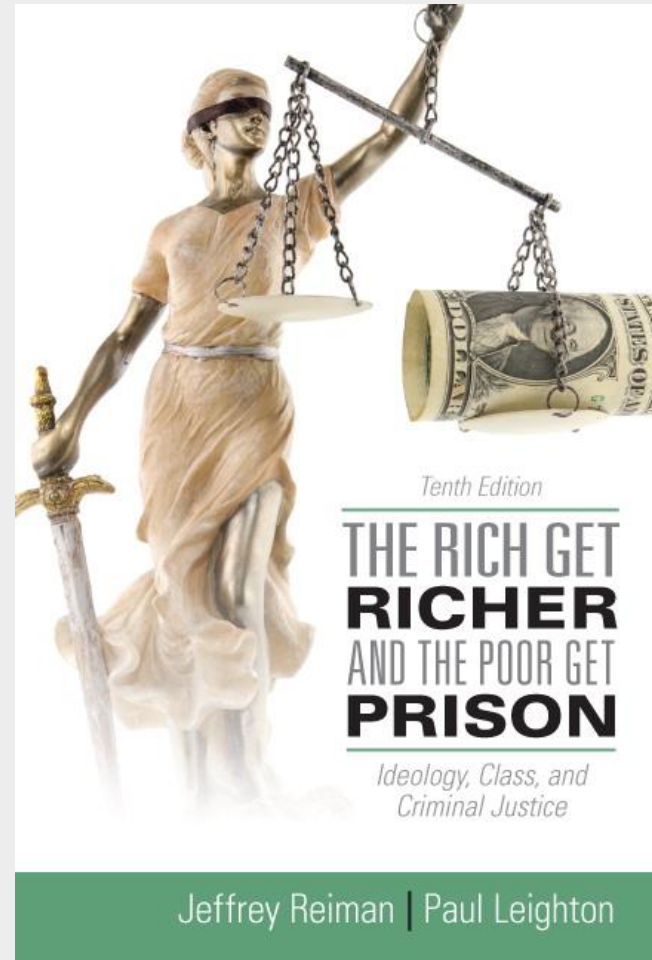


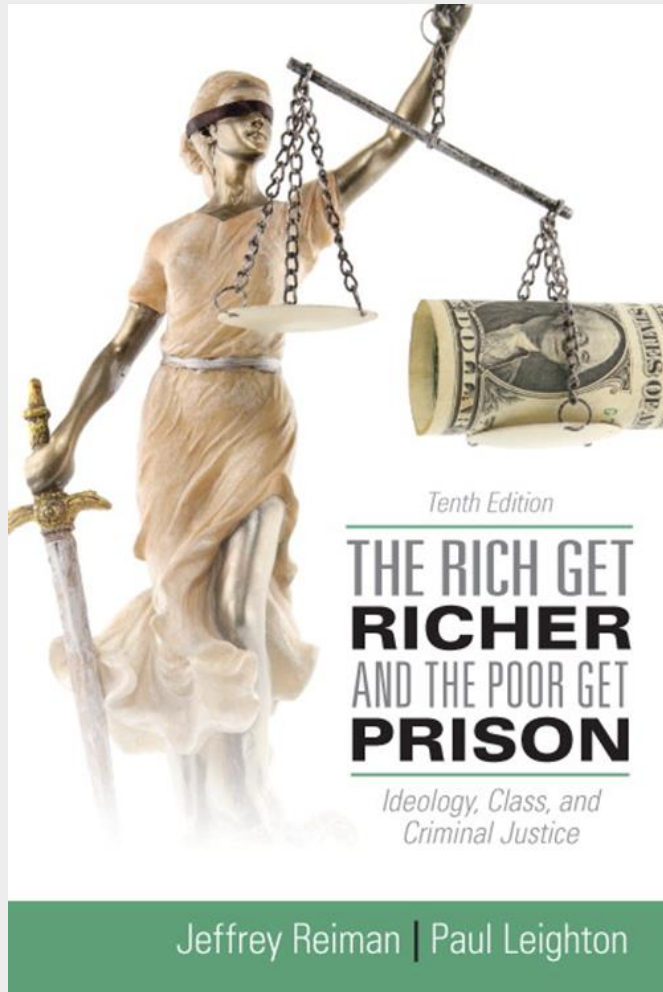
...or, fluctuations around this level



Roadmap

- The Problem of Mass Incarceration
- Real Solutions





- 10th edition, 2013
- 11th ed in progress
- First published 1979

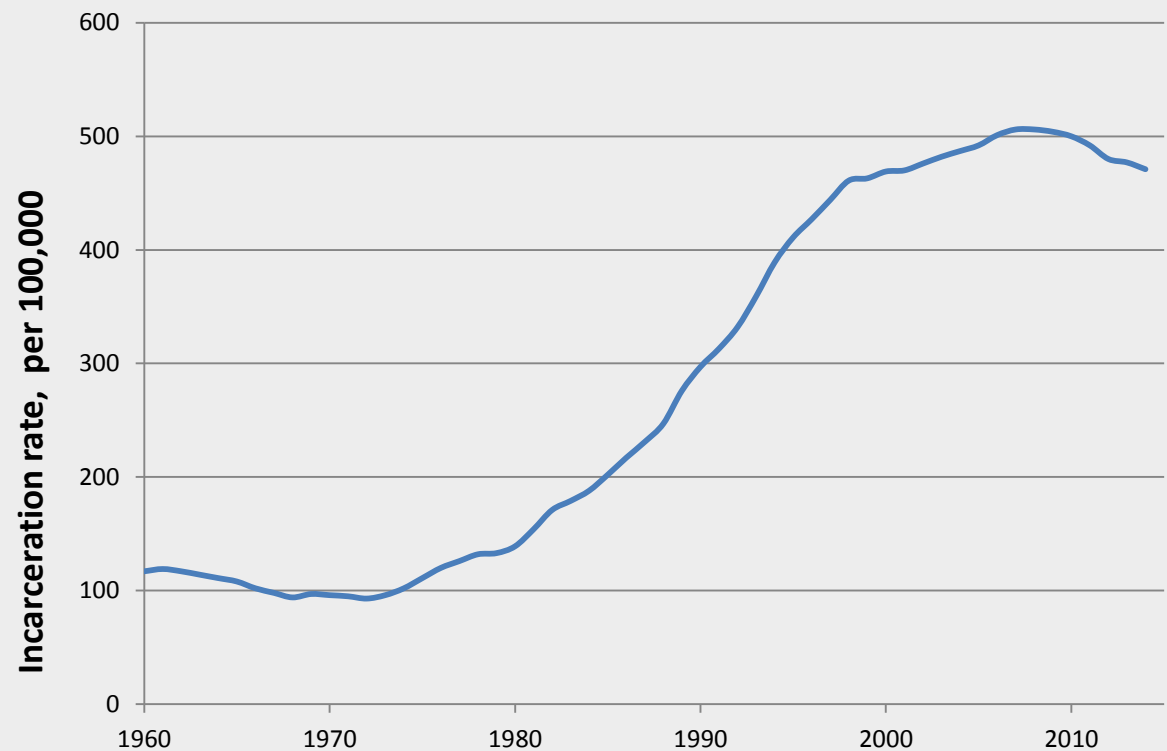
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Incarceration Binge, Mass Incarceration & “A Plague of Prisons”

From 1980 to 2000, the U.S. built more prisons than it had in all the rest of its history

Incarceration rate, 1960 - 2014



Embarrassing global comparisons

Ranking	Title	Prison Population Rate
1	<u>Seychelles</u>	799
2	<u>United States of America</u>	698
3	<u>St. Kitts and Nevis</u>	607
4	<u>Turkmenistan</u>	583
5	<u>Virgin Islands (USA)</u>	542
6	<u>Cuba</u>	510
7	<u>El Salvador</u>	506
8	<u>Guam (USA)</u>	469
9	<u>Thailand</u>	467
10	<u>Belize</u>	449
11	<u>Russian Federation</u>	446
12	<u>Rwanda</u>	434

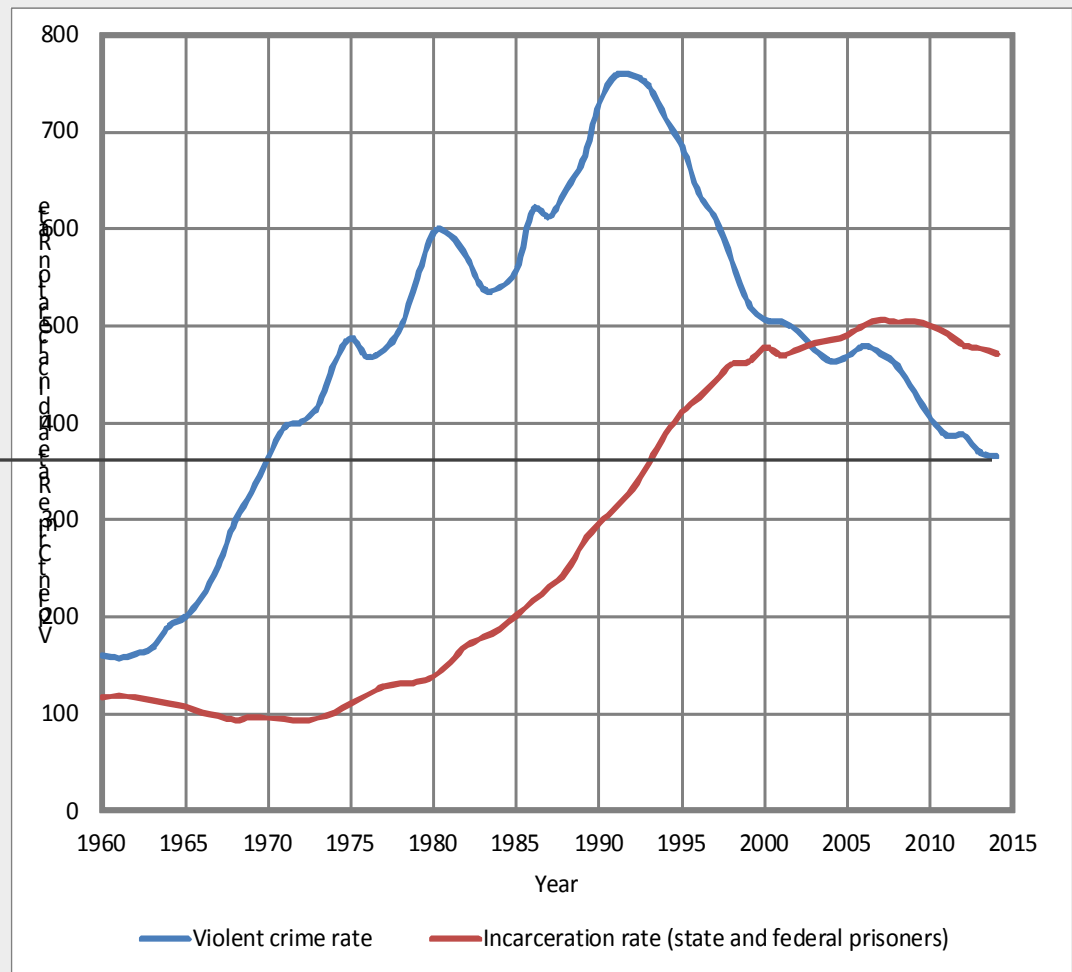
Source: World prison Brief
(accessed 17 January 2016)
<http://www.prisonstudies.org>



Little impact on crime

Violent crime rate and incarceration rate, 1960–2014

Violence is back to 1970 level when it was considered a big national problem – so big we needed a national commission to study the problem



Prison can prevent crime...

- Incapacitation – person in prison not committing crime in the community

BUT

- People age out of crime, so longer sentences do not necessarily mean more crime prevention
- Small group commits large amount of crime; increasing incarceration gets increasingly less criminal citizens

“Serious, repeat criminals”

Then

“serious *and* repeat criminals”

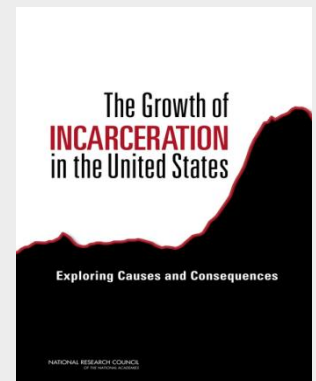


Prison can prevent crime...

- Deterrence – “scare straight” sentenced individual or make them an example to others

BUT

- A National Academy of Sciences panel examining incarceration noted that three earlier National Academy of Science panels found there was a lack of evidence to support the assumption that harsher punishments deter crime. “Despite those nearly unanimous findings, during the 1970s, 1980s, and 1990s the U.S. Congress and every state enacted laws calling for mandatory minimum sentences.” (p 90)



Prison can cause crime...

- Make person worse off: mental and physical health, reduced opportunities because of criminal record, stigma
 - “warehouse prison” not “rehabilitation center”
- Children more likely to become delinquent
- Reduces stable family formation
- Creates social disorganization that erodes informal social control



- “The crucial issue is not whether some negative effects [from incarceration] occur in communities; they most certainly do. Rather it is whether those effects overwhelm the crime reducing mechanisms of prison, deterrence and incarceration, which also most certainly occur.”

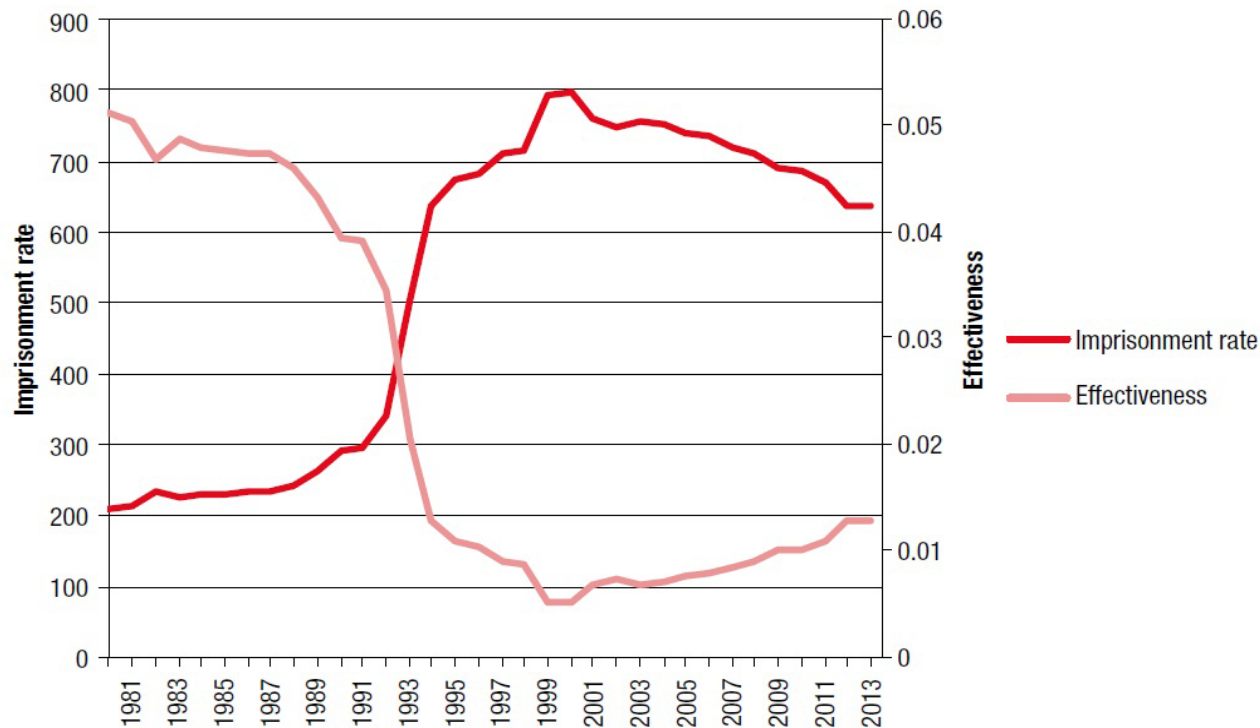
Useem and Piehl. 2008. *Prison State: The Challenge of Mass Incarceration*. Cambridge University Press. p, 52.

- The relative weight of the positive and negative effects depends on the number of people incarcerated:
 - Increasing the number of people incarcerated is most effective when relatively few people are in prison
 - Further increases will have declining effectiveness for crime control
 - At some point, further increases can cause more crime than it prevents.



Increasing Incarceration, Decreasing Effectiveness

Figure 17: Effect of Increased Imprisonment on Crime in Texas (1980-2013)

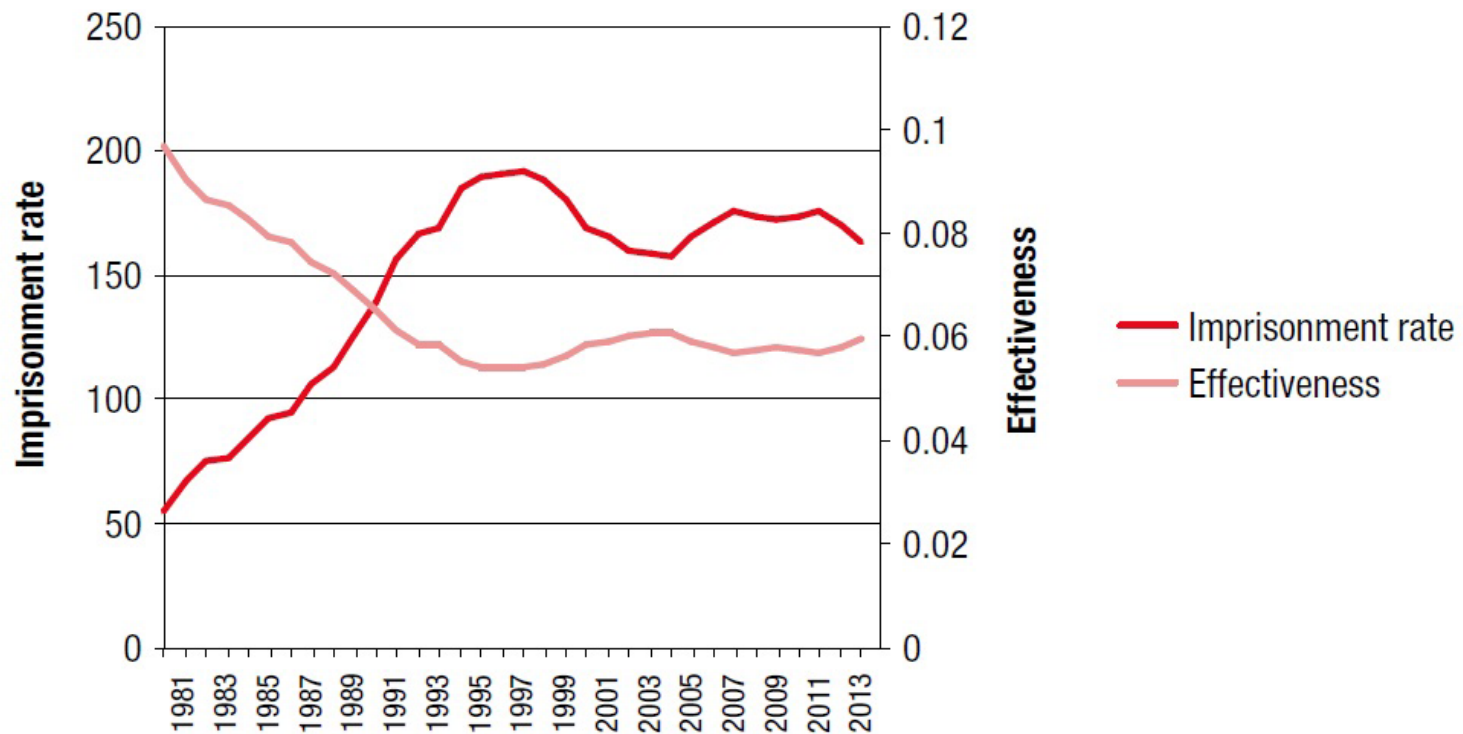


Source: Brennan Center analysis.¹⁴³



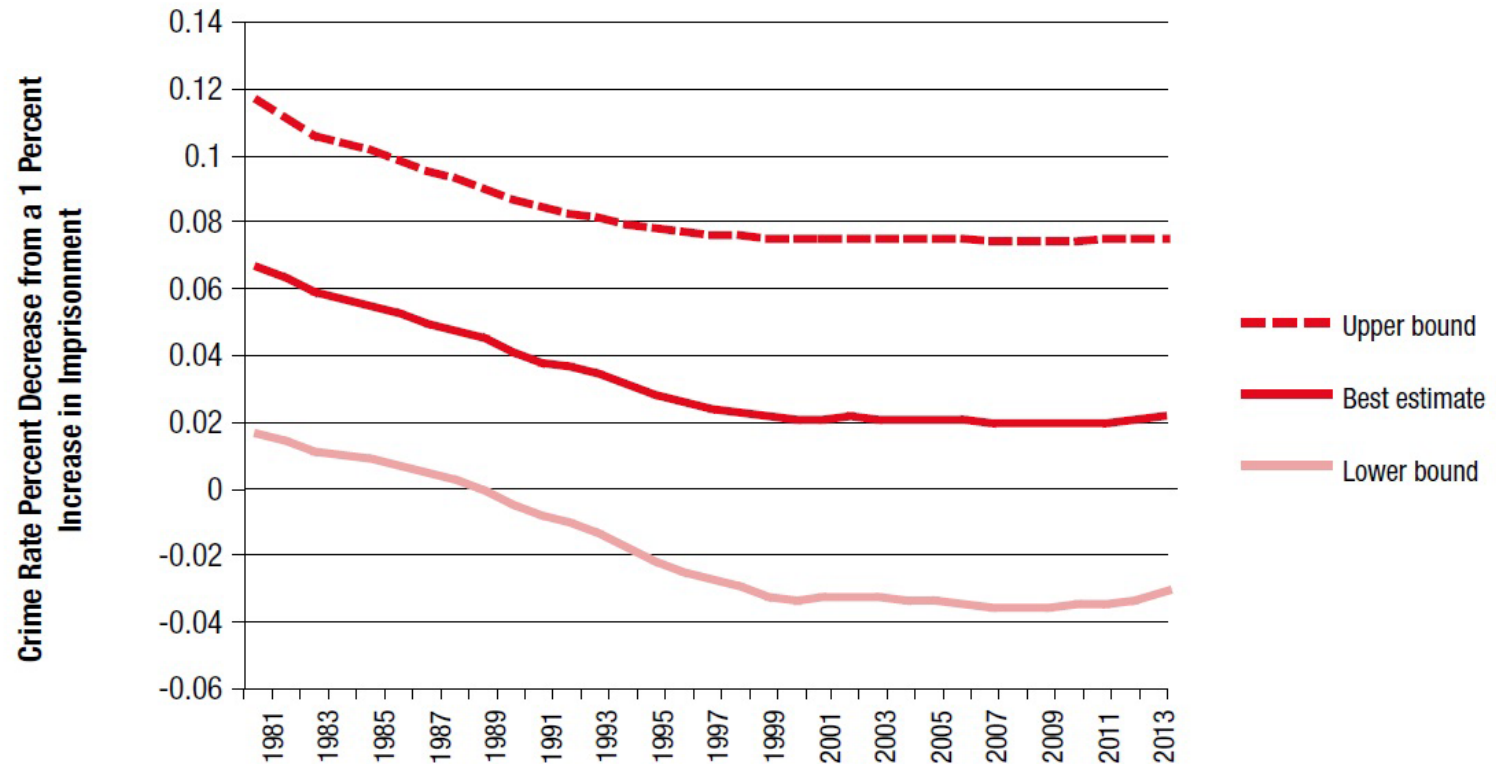
Increasing Incarceration, Decreasing Effectiveness

Michigan



Generous best estimate

Figure 3: Effect of Increased Incarceration on Crime (1980-2013)



Source: Brennan Center analysis.⁵¹

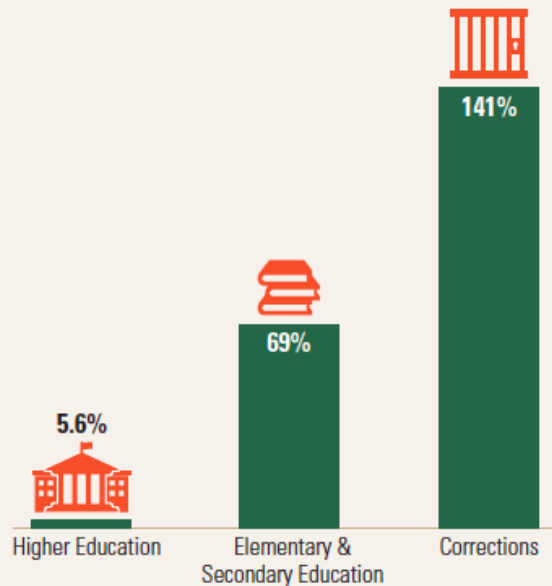


Sacrificing Education to Have More Crime?

State Spending on Corrections

In general, state spending on corrections has grown much faster than education spending over the last three decades. In eleven states, corrections has now surpassed higher education as a percentage of funding.

Figure 7: **Growth in State General Fund Spending, Adjusted for Inflation, 1986–2013**

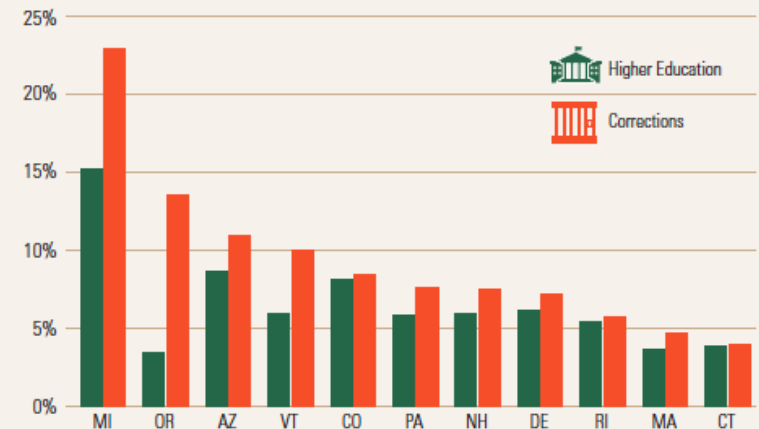


Source: Center on Budget and Policy Priorities analysis of data from National Association of State Budget Officers, *State Expenditure Report* (various years, 1986–2013) (Washington, D.C.: National Association of State Budget Officers, 1987–2014), <http://www.nasbo.org/publications-data/state-expenditure-report/archives>.



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Figure 8: **Corrections and Higher Education Spending as Percentage of State General Fund Expenditures (FY2013)**



Source: The Henry J. Kaiser Family Foundation, "Distribution of State General Fund Expenditures (in millions): Fiscal Year 2013," <http://kff.org/other/state-indicator/distribution-of-general-fund-spending/>. Note also that when excluding appropriations for community colleges and technical schools, additional states—including California—have spent more on corrections than on higher education in recent years.

American Academy of Arts and Sciences, *Public Research Universities: Changes in Public Funding* (2015)

Sentencing Reform

- The repeal or substantial narrowing of all three-strikes, mandatory minimum, life-without-possibility-of-parole, and truth in sentencing laws...
- ... combined with the expansion of parole
- would eventually cut the incarceration rate in half.

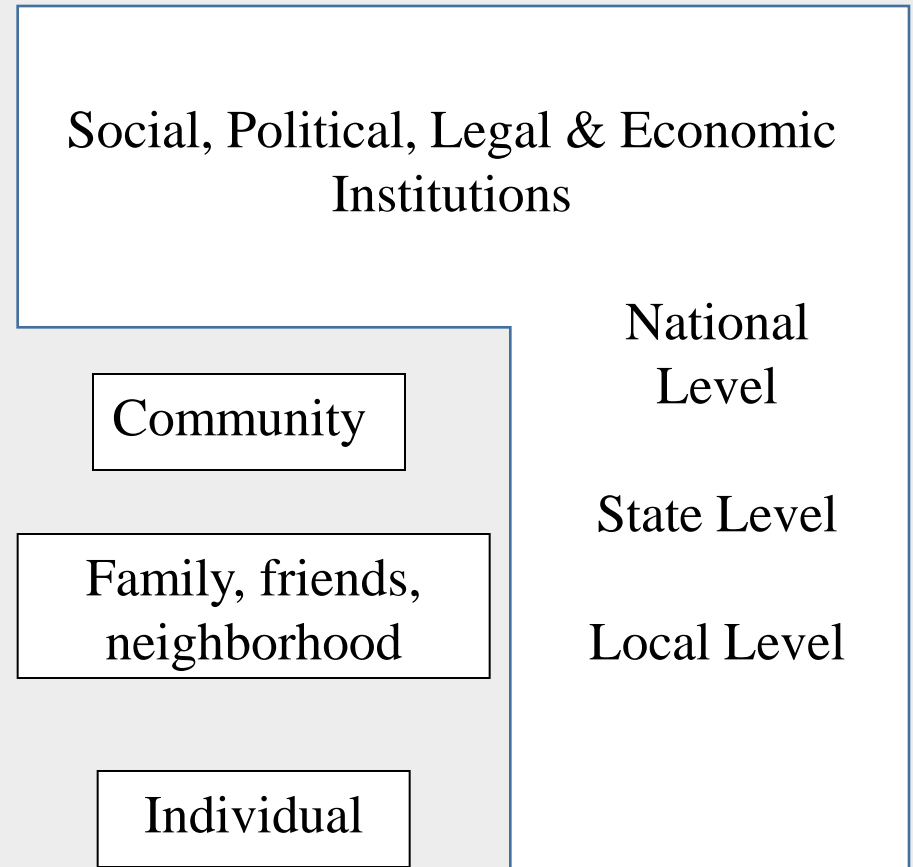
The U.S. incarceration rate would be still be at “a level three to four times those of other developed Western countries, [which] can hardly be considered overly ambitious.”

-Tonry, *Remodeling American Sentencing*, p 527.



Solutions for crime and violence

- Crime is individual choice
- Made within the context of family, neighborhood and community, which are
- Shaped by economic, social and political policies



Solutions for crime and violence

- “four priorities seem especially critical: preventing child abuse and neglect, enhancing children’s intellectual and social development, providing support and guidance to vulnerable adolescents, and working extensively with juvenile offenders.”

-Currie, *Crime and Punishment in America*, p. 81

“the best of [the programs] work, and they work remarkably well given how limited and underfunded they usually are.” p 98



Solutions for crime and violence

- High Return on Investment (ROI) from crime prevention programs

No program
[save tax \$
now]

- But spend money later on
- Unemployment
- Public assistance
- incarceration

Crime
prevention
[spend tax \$
now]

- Individual contributes to economy
- Job = payroll and sales taxes



De-escalate drug war

- Treatment for drug addiction is “prohibitively expensive, overcrowded, underfunded and subject to byzantine government rules.” Obama administration drug czar Michael Botticelli “estimates that up to 80 percent of heroin addicts are never treated.”

Marc Fisher and Katie Zezima. 2015.
This is where heroin almost killed her. *Washington Post*, 3 Oct 2015



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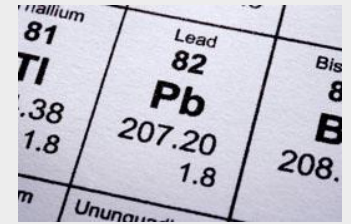
Ingraham, 'You will not be arrested for using drugs': What a sane drug policy looks like. *Washington Post*, 2 Dec 2014

De-escalate drug war

- In 2001 Portugal eliminated *criminal* penalties for *all* drugs in amounts for personal use.
- Possession still triggers a hearing before the Commission for the Dissuasion of Drug Addiction, a three-person tribunal that discourages drug use and encourages addicts to get treatment.
- An evaluation found reductions in problematic drug use and concludes that Portugal's experience demonstrates that—contrary to some predictions—decriminalization does not inevitably lead to rises in drug use. It can reduce the burden upon the criminal justice system. It can further contribute to social and health benefits. Moreover, such effects can be observed when decriminalizing all illicit drugs. This is important, as decriminalization is commonly restricted to cannabis alone.



Remove lead



81 Tl 204.38 1.8	Lead 82 Pb 207.20 1.8	Bismuth 83 B 208.98
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- Neurotoxin – poisons brain cells and connections
- No safe level, accumulates [childhood exposure esp problematic]
- Lower IQ, attention deficit, impulsivity, homicide rates, delinquency, and violent crime (Barrett, Lead and Crime.

Oxford Bibliographies in Criminology. 2013)

Lead abatement leads to *permanent* crime reduction of “at least 10 percent. All the other cognitive and health benefits would be gravy. It’s hard to imagine any other crime-control expenditure with anything like that much bang for the buck.”

Kleiman, [Smart on Crime](#). *Democracy: A Journal of Ideas*. Spring 2013.



Prison Should Rehabilitate



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15 Years In Environment Of Constant Fear Somehow Fails To Rehabilitate Prisoner

NEWS IN BRIEF • Prison • Lifestyle • ISSUE 50•09 • Mar 4, 2014



79.1k



1.2K



369

WOODBOURNE, NY—Reportedly left dumbfounded by the news that recent parolee Terry Raney had been reincarcerated on charges of assault and battery, officials at Woodbourne Correctional Facility struggled Tuesday to make sense of how the prisoner had not been rehabilitated by 15 years of constant threats, physical abuse, and periodic isolation. “It just doesn’t seem possible that an inmate could live for a decade and a half in a completely dehumanizing environment in which violent felons were constantly on the verge of attacking or even killing him and not emerge an emotionally stable, productive member of society,”

Reduce Inequality

- Not “just” poverty – inequality, relative deprivation and concentrated disadvantage

“Inequality worsens both crimes of poverty motivated by need and crimes of wealth motivated by greed”

Braithwaite, Poverty Power and White Collar Crime, in Schlegel and Weisburd, *White-Collar Crime Reconsidered*. Northeastern University Press (1992).



Inequality & crimes of the poor

- “Need”: absolute, perceive others to have, what whites have, expectations based on “advertising and dramatization of bourgeois lifestyles” (Braithwaite 1992 p 83)
- Fewer legitimate means to success, so more people try illegitimate means



<http://occuprint.org>



Inequality & crimes of the rich

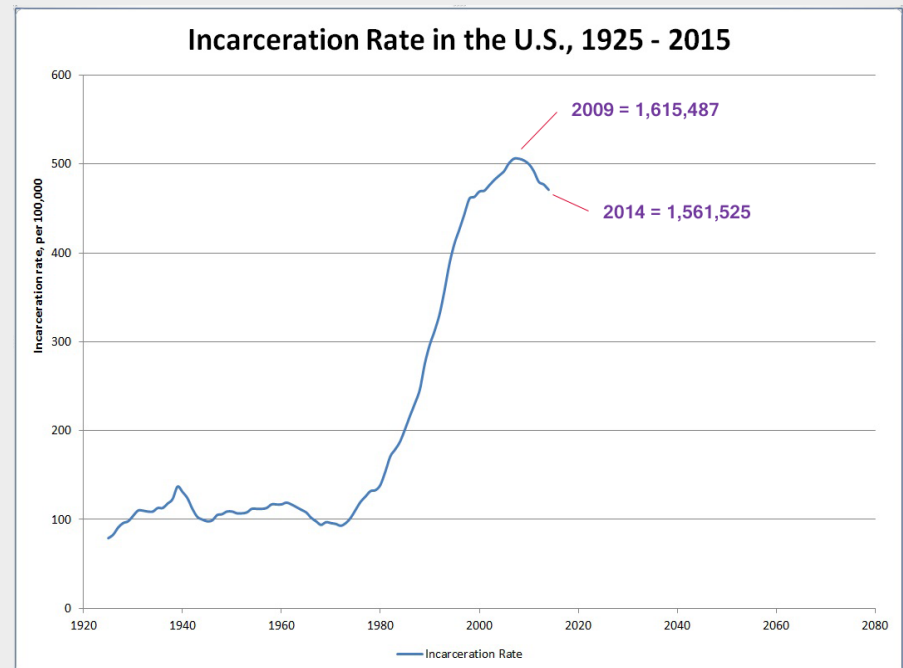
- “increasing concentrations of wealth [enables] the constitution of new forms of illegitimate opportunity” (p 85)
 - Novel illegitimate strategies that “excel because they cannot be contemplated by those who are not wealthy” (p 88)
- “people in positions of power have opportunity to commit crimes that involve the abuse of power, and the more power they have, the more abusive those crimes can be” (p 89)
- “undermines respect for the dominion of others” (p 80)
- “power corrupts and unaccountable power corrupts with impunity” (p 89)



Conclusions: Sentencing reform

- Sentencing reform has nibbled around the edges and must get more substantial
- Not clear if we are going to be “smart on crime” or “cheap on crime”
 - “if an economic downturn produces changes in our correctional policies, do they last when the market recovers?”

—Aviram, *Cheap on Crime* (2015), p 14



Conclusions: post-warehouse prison

- Fewer warehouse prisons
- Reform/improve/transform existing warehouse prisons

and

- Create experimental space for next-generation rehabilitation center



California Institution for Men
Aug. 7, 2006

If you knew your neighbor was recently released from prison, what kind of prison would you like it to be?



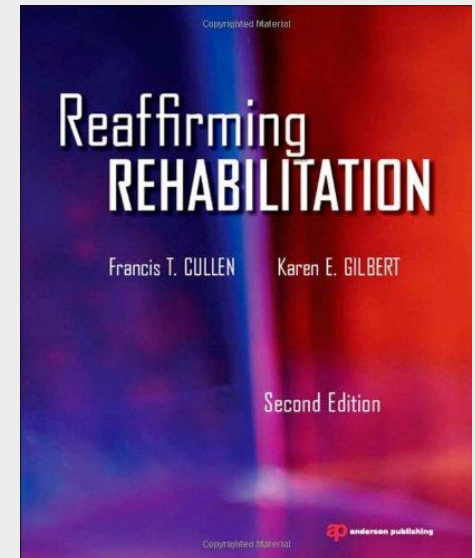
Conclusions: Reaffirm rehabilitation

“the rehabilitative ideal draws its power from its nobility and its rationality — from the promise that compassionate science, rather than vengeful punishment, is the road to reducing crime.

Rehabilitation allows us to be a better safer people”

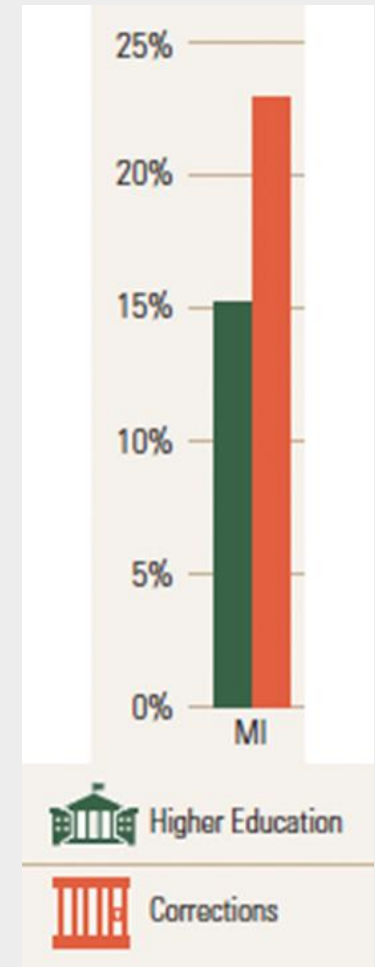
-Francis Cullen

quoted in Leighton, Paul. 2014. “[A model prison for the next 50 years](#)”: The high-tech, public private Shimane Asahi Rehabilitation Center. *Justice Policy Journal*, 11(1),



Conclusions: Crime Prevention

- Police and prisons necessary, but ineffective at crime prevention and reducing problems related to drug use
- National Academy of Sciences, *Fairness and Effectiveness in Policing: The Evidence*
“a century of criminological research has documented the powerful impact of a long list of social and economic factors on crime... and they are mainly beyond the reach of the police” (2004, p 247)



Not smart or sustainable



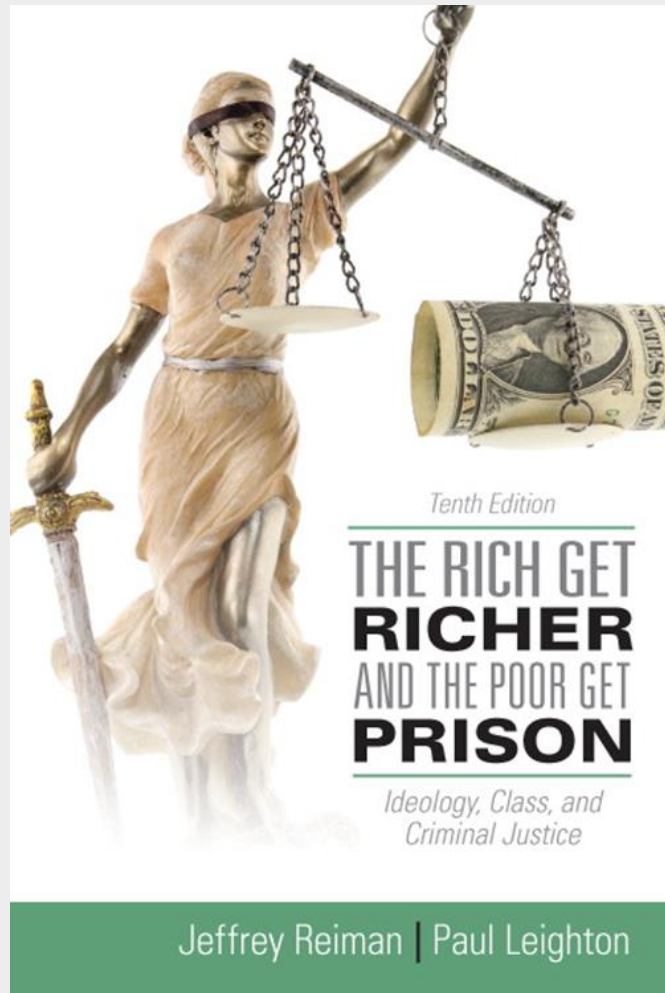
Conclusions: Crime Prevention

- Invest in crime prevention
- Hundreds of evidence-based programs for individuals, families – need the political will to spend on them
- Changes to produce more social and economic justice – need the political to make changes

“We are called upon to raise certain basic questions about the whole society”

MLK, as quoted in Alexander, *The New Jim Crow* (2012), p 259.





**Please,
put us
out of
business!!**



Dr. Paul Leighton is a professor in the Department of Sociology, Anthropology & Criminology at Eastern Michigan University.

More information about him is available on his website,
<http://paulsjusticepage.com/paul/pauls-cv.htm>

See also:

The Problems With Private Prisons,

http://www.paulsjusticeblog.com/2013/04/the_problems_with_private_prisons.php

Prison Privatization in the U.S. and Japan (2014 OLLI lecture)

http://www.paulsjusticeblog.com/2014/06/we_need_a_postwarehouse_prison.php

