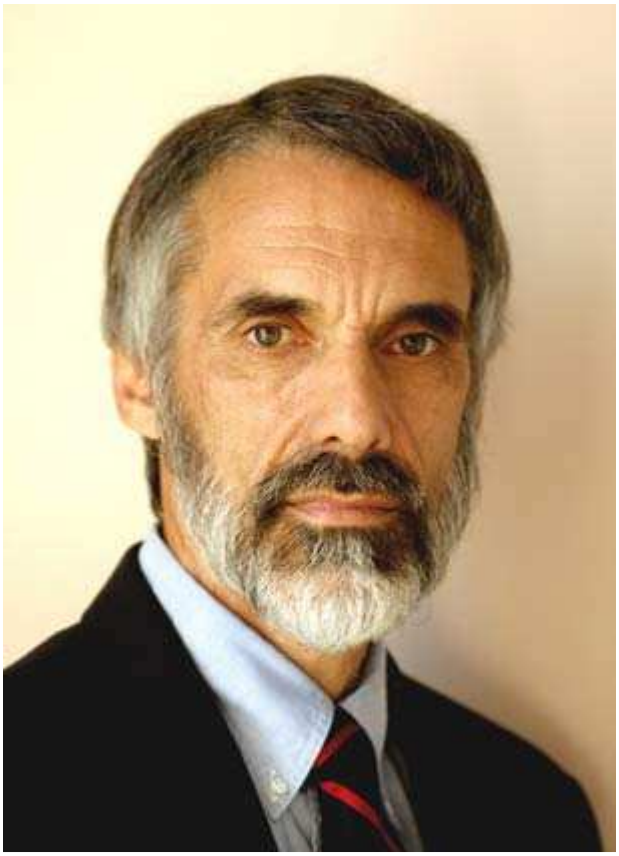
How the Prison Industrial Complex Destroys Lives



Marc Mauer: The question of whether persons convicted of a crime should be imprisoned or not is now increasingly influenced by economic interests. While prisons have long tended to be located in rural communities because of the availability of cheap land, this trend has accelerated in recent decades as a result of lobbying by rural officials. With declining economic prospects in many of these communities, many local leaders have come to view prisons as their best hope of economic opportunity through the jobs that are generated. In practice, this has not proven to be beneficial to these areas, but nonetheless rural legislators continue to seek such opportunities. Perhaps not coincidentally, many of these officials are also strong supporters of harsh sentencing policies.

These developments have taken a perverse direction as some states have managed to reduce their prison populations in recent years. In New York State, for example, despite a 25 percent decline in the prison population over the past decade, state officials trying to close prisons due to excess capacity have been met with great resistance from these same rural interests. Rather than pitting "rural" vs. "urban" interests, to move forward we should be exploring economic development strategies that will provide opportunity both in the urban neighborhoods from which a disproportionate share of the prison population originates and in the rural communities that are searching for reasonable sources of employment.

If we accept that many incarcerated individuals, particularly nonviolent drug offenders, are in prison unnecessarily, how did the US end up with the highest incarceration rate in the world?

In broad terms, this has been due to changes in policy, not crime rates. While rising crime rates from the mid-1960s to the mid-1970s (in large part a function of the "baby boom" generation coming of age) helps to explain the early part of this rise, since 1980 the prison expansion has been primarily a result of "get tough" policies. These have been initiatives at both the state and federal level designed to send more people to prison and to keep them there for longer periods of time. Key developments in this regard have been the set of policies under the rubric of the "war on drugs," the expansion of mandatory sentencing and "three strikes" policies and

cutbacks on parole release in many states. It is important to note that these policies have been politically inspired, and not necessarily based on research evidence on reducing crime.

The impact of these policies can be seen in a striking manner in examining life imprisonment. One of every 11 people in prison today is serving a life sentence, many of them with no chance of parole. While these individuals have largely been convicted of serious or violent offenses, such prison terms make no accommodation to recognize that the 18-year-old convicted of armed robbery may be a very different person by the age of 40, having "grown up" in prison. Continued incarceration beyond that point is hardly cost-effective for public safety and eliminates any possibility of a second chance in life.

Playing the devil's advocate, aren't there so-called hard-line-on-crime politicians and law enforcement officials who claim that the US crime rate has fallen because we are number one in tossing people in jail?

There's no question that prison has some impact on crime. We are all at least a little bit safer because people like Charles Manson or a serial rapist have been isolated from the community. But such individuals are hardly typical of the prison population.

We are now well past the point of diminishing returns regarding the ability of incarceration to affect crime. There are several reasons for this, with one key aspect being the types of people behind bars. With the growing population of persons convicted of a drug offense since the mid-1980s - the vast majority not the "kingpins" of the drug trade - we have increasingly locked up street-corner sellers and couriers who are quickly replaced on the streets. Unless we address the demand for drugs in significant ways, expanded imprisonment will do little to address substance-abuse problems.

Even to the extent that imprisonment has some impact on the crime rate, this doesn't tell us whether this is the *most* effective way to achieve these outcomes. In fact, a wealth of research documents that targeted investments in preschool programs, substance-abuse treatment and promoting high school graduation are more cost-effective in the long term.

How are imprisoning people for drug use and race interconnected?

While we know that there has been a "war on drugs" since the 1980s, in fact this has been a two-tiered "war." Drug use and abuse cuts across lines of race and class, but drug law enforcement has primarily targeted low-income communities of color. When parents in well-off suburbs find out that their teenage son or daughter has a drug problem they don't call the police to demand that their teenager be arrested, but instead consult with their friends who can recommend a high-quality treatment program. In contrast, in disadvantaged communities with limited resources, the primary response is far more likely to be one involving law enforcement and incarceration.

Can you provide a little bit of background on the crack cocaine bias issue in imprisonment, which used to be singled out federally for punishment by a drug quantity ratio of 100 to 1 over use of powdered cocaine but was recently reduced to 18 to 1. How is this an example of racial bias?

The federal mandatory sentencing laws were passed in 1986 following a media and political frenzy around crack cocaine. University of Maryland basketball star Len Bias had just died of a drug overdose (incorrectly believed at the time to have been crack cocaine), and portraits of people ravaged by the new drug graced the covers of news magazines and television. Invariably, the "crack problem" was perceived as a "black problem," a key factor that contributed to the speed with which the laws were adopted on Capitol Hill. Although crack cocaine is a derivative of powder cocaine, the crack penalties that were adopted were far harsher than for powder. Not long after passage of the legislation it became clear that 80 percent of the persons charged with a crack cocaine offense were African American, while for powder cocaine the defendants were far more likely to be white or Latino.

Although a broad body of opinion came to critique the severity of the crack laws - including the American Bar Association, federal judges, civil rights organizations, and religious leaders - it was not until 2010 that the sentencing disparity was scaled back. Under the revised drug quantity ratio, crack offenders are punished less harshly than previously, but still more so than those convicted of a powder cocaine offense.

What is the roll of the rapidly emerging for-profit prison industry in "filling beds"?

Since emerging in the 1980s, the private prison industry now has over 100,000 individuals behind bars as a result of contracts with the federal government and many states. While this industry has not necessarily been the leading force advocating for tough sentencing policies - many lawmakers have been more than happy to do that on their own - it has nonetheless provided built-in incentives to expand imprisonment. For a state concerned with budget issues, contracting with a private prison company offers a way of "renting" prison cells rather than having to allocate massive sums to build new prisons. While the industry claims to be able to offer its services at less cost than the public sector, research by the General Accounting Office and others shows that this is not the case. Further, by trying to reduce costs and increase profits, private prisons tend to hire less experienced staff and provide less training, thus employing a work force with fewer skills to manage these institutions.

As prison growth has finally slowed in recent years, the private prison industry is increasingly looking to immigration detention as a source of enhanced profits. In Arizona, for example, the notorious anti-immigrant legislation passed in 2010 was drafted in large part through the efforts of private prison companies working in concert with the American Legislative Exchange Council (ALEC).

Most people don't realize that it costs, let's say $25,000 a year, to pay for the imprisonment of one person for a year (and that figure varies of course) and a lot more for solitary confinement. Many people are in prison because they couldn't find jobs in their neighborhood except selling drugs. Why not just find them a job that pays at least $25,000 a year and help rebuild communities instead of perpetuating the selling of drugs to feed the prison-industrial complex?

One of the most promising concepts of recent years is that of Justice Reinvestment. This builds on the recognition that incarceration is not widely experienced by most sectors of society, but rather is heavily concentrated in disadvantaged communities of color. Geomapping studies have identified "million dollar blocks" in densely populated urban neighborhoods in Brooklyn, NY, and elsewhere, where taxpayers are spending $1 million annually to imprison people from just one of those city blocks. So this is not a problem of not having adequate resources, but rather how we use those resources to prevent and respond to crime. Justice Reinvestment is based on the premise that we should reduce the prison population and then reinvest savings to prevent crime and create opportunity in those neighborhoods.

Suppose, for example, that we were able to reduce our excessive lengths of sentences for drugs and other offenses even by only 20 percent. So a five-year prison term would be shifted to four years. This would have no significant effect on the deterrent impact of the prison system or prospects for recidivism, but would free up that 20 percent of the $1 million of incarceration per block. So, we'd then be free to consider how to invest $200,000 in ways that might have an impact on reducing crime. This would not be a cure-all for the problems experienced by low-income communities, but it suggests that there are ways to redirect resources in ways that can begin to break away from the over-reliance on incarceration.

Speaking of costs of our obsession with putting people in prison instead of pursuing alternatives, especially for nonviolent offenders, isn't the whole vast gulag prison system in the US becoming a bit costly in this time of "austerity"? Are some politicians emptying out their jails to reduce their budgets?

Oddly enough, the only bright spot of the fiscal crisis is that it's focused attention on the vast cost of incarceration. Governors of both major parties are now recognizing that they can't continue to build prisons and also support higher education and other vital services.

But the changed political environment on crime predates the fiscal crisis. Beginning in the 1990s the concept of "reentry" has gained broad support among both policymakers and the public. Reentry programming represents the recognition that 95 percent of people sentenced to prison will be coming home someday. Therefore, it's in the interest of both liberals and conservatives alike that these people come back to our communities better prepared to be engaged in the community in constructive ways. This means that we need to provide educational and occupational training while in prison, as well as transitional services when individuals come home. It's encouraging that support for reentry and other evidence-based approaches to public safety is increasingly gaining attention and finally beginning to challenge the political sound-bites that for too long framed the dialogue on public policy.

The phrase "crime as politics" is woven through your book. How do we begin to get the discussion of mass incarceration out of politics and into considering options to the current status quo?

These issues will always be subject to political decision-making, and that's not necessarily inappropriate. The challenge is how to make that process one that is constructive and inclusive. There is no shortage of research that makes the case that mass incarceration is far from a reasonable approach to public safety and has increasingly harmful consequences for communities of color in particular. But in a political climate based on emotion and often-distorted media imagery, such research findings have often been ignored in the political world. So we need to both create demand for more rational policies and create an environment in which policymakers have a comfort level about adopting rational approaches to public safety.

To do so we need diverse voices to make the argument. Key, of course, is leadership from communities most affected by mass incarceration, including those who have experienced it directly. But we also need to reach out to the increasing numbers of leaders in the judiciary and corrections who see the injustice they are forced to impose each day through mandatory sentencing policies and prison regimes with limited resources for rehabilitation. There is also potential common ground among constituencies affected by the diversion of resources brought about by mass incarceration, such as university administrators and college students faced with rising tuition costs as a result of increased prison spending. Finally, of course, we need to recognize that real change will not come about solely due to fiscal concerns, but will require a moral vision and commitment as well. So the voices of civil rights leaders, the religious community, students and other constituencies will be critical in shaping these developments.