



IT'S CRIMINAL!

The Consequences of Mass Incarceration without Social Justice

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In light of the astonishing number of people incarcerated in the U.S., most of this issue has a special focus on criminal justice.

INSIDE:

CST and Criminal Justicep. 3

A More Humane System: Immigration Detention through Community-Based Alternatives (Part I)p. 4

Child Poverty, Rural Poverty, and "Deep Poverty"p. 6

Capitol Comments: The Death Penalty is a Respect Life Issue!p. 8

Americans tend to believe, as a matter of common sense, that sending men to prison prevents crime. Persons who are “behind bars” can’t commit crime. “Get tougher on crime” political rhetoric and legislation is often reinforced by the argument that “only if that recently released prisoner had not been freed, this particular crime would not occur.”

However, 30 years of evidence suggests otherwise. Social scientists find a “puzzling discontinuity” between imprisonment rates, which increased every year from 1972 to 2009, and crime rates, which have been consistently inconsistent—up and down—during the same period.¹

Even more disconcerting is the growing consensus among scholars that more incarceration “will produce ever decreasing marginal returns in public safety.”² Perhaps more troubling is the way that politicians and the general public do not perceive how high incarceration rates in poor communities of color tear apart the very social relationships that offer the best opportunity to nurture the well-being of our children and ultimately the common good of society.

The effects of incarceration for an individual are well documented. These include: earning less money over the course of a lifetime (by age 48, the typical former inmate has earned \$179,000 less than if he had never been incarcerated),³ finding it harder to stay employed, being less likely to become married, and highly likely to suffer a wide range of medical and psychological problems.

Yet we forget that every man incarcerated is a father, husband, son, and/or uncle who binds together the fabric of a family and community. His incarceration often exacerbates the already dismal economic prospects of family members. And for mothers who raise a child of an incarcerated father, they face multiple challenges, including, but not limited to, disruptions in parenting, inability to supervise children adequately, loss of role models, and need for public welfare supports that are increasingly difficult to gain.

According to the recent study *Collateral Costs: Incarceration’s Effect on Economic Mobility*, 54 percent of inmates are parents with minor children (ages 0 – 17), including more than 120,000 mothers and 1.1 million fathers. Two-thirds of these children’s parents were incarcerated for nonviolent offenses.⁴

Social scientific evidence shows clearly that children of incarcerated parents are at high risk of becoming incarcerated themselves. Children with fathers who have been incarcerated are significantly more likely than other children to be expelled, and to experience aggression, hyperactivity, depression, withdrawal, and to be suspended from school.⁵

The most important mechanisms for the prevention of crime are social values and controls instilled by parents, families, and neighborhood social networks—what is called “informal social controls” by social scientists. These informal social controls are far more important for public safety than formal controls

—Continued on page 2



such as police and the criminal justice system. As the criminologist Todd Clear puts it, “high incarceration rates in these communities destabilize social relationships and help cause crime rather than prevent it.”⁶

Sadly, New Orleans, like Louisiana, leads the nation in its per capita rate of incarceration. Five years post-Katrina, New Orleans still detains more nonviolent inmates per capita than any other city in the nation. Eighty-nine percent of those in city jails have not been convicted of any crime—they simply wait in jail far longer than detainees in any other city for their day in court.

Orleans Parish District Attorney Leon Cannizzaro clearly articulated the failure of incarceration in his comments to the Criminal Justice Committee Hearing for the City Council and the Mayor on October 7, 2010:

[W]e have used jails to essentially warehouse people. We have been doing that for 20 years and what do we see—what have we accomplished? Not a whole lot in Orleans Parish. We’ve become the murder capital of America by doing that. This is an opportunity where we are going to build a new jail and we can maybe have an opportunity and try to do something and think outside the box and try to rehabilitate and restore people, and when they do have the misfortune of maybe being incarcerated, let’s hope that we can let them be released from this facility with an education or some job skill so they do not find themselves coming back into the system again. I know that’s not an impossible thing, that’s something that can very well be done. But I think this gives the impetus for that by considering not putting the nonviolent people in the jail.

There is no doubt that New Orleans needs a smaller, safer, more humane facility. The U.S. Department of Justice cited the Orleans Parish Prison in 2009 for a repeated pattern of civil rights violations, including violence against prisoners and inhumane treatment of the mentally disabled. Building a bigger jail increases the risks of exposing more New Orleanians to violence. St. Louis, Mo., also a river city, has 357,000 residents and its jail provides 1,200 beds. A jail that reflects the national average detention rate would hold 850 prisoners or one

bed per 388 residents. The Orleans Parish sheriff’s proposal is one bed for every 60 residents or 5,800 beds for a city of 354,850 people.

Currently, New Orleans does not utilize the best tools available to assess the public safety risks of inmates. Taxpayers thus foot the bill in daily costs and failure of incarceration to address root problems of poverty, joblessness, homelessness, and lack of decent, affordable housing and health care.

We would do well to remember Aristotle’s insight that “poverty is the parent of crime and revolution.” Or, as Dr. Martin Luther King, Jr., asked in one of his last books: *Where Do We Go From Here: Chaos or Community?* It seems that, in New Orleans and nationally, we have chosen the chaos of poverty and incarceration over social justice.

There is another way. We know that increasing investments in affordable housing, education, access to mental health and substance abuse treatment, and job training and employment all contribute to reduction in use of incarceration and to long-term economic growth of our city. That would be choosing community over chaos. That would be “money well spent.”⁷

ENDNOTES

- 1 Clear, Todd R., *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse*. Oxford University Press, 2007, p. 7.
- 2 Ibid.
- 3 Bruce Western and Beck Pettit, *Collateral Costs: Incarceration’s Effect on Economic Mobility*. Washington, D.C.: Pew Charitable Trusts, 2010, p.4. Accessed October 22, 2010 at http://www.pewtrusts.org/uploadedFiles/wwwpewtrusts.org/Reports/Economic_Mobility/Collateral%20Costs%20FINAL.pdf
- 4 Ibid., p.4.
- 5 See the review of the literature in Clear, *Imprisoning Communities*, chapter 4, and Western and Pettit, *Collateral Costs*, p. 20-21.
- 6 Ibid., *Imprisoning Communities*, pp. 10 and 172.
- 7 Sarah Lyons and Nastassia Walsh, *Money Well Spent: How Positive Social Investments Will Reduce Incarceration Rates, Improve Public Safety, and Promote Well-Being of Communities*. Washington, D.C.: Justice Policy Institute Report, September, 2010. Accessed October 19, 2010 at http://www.justicepolicy.org/images/upload/10-09_REP_MoneyWellSpent_PS-DC-AC-JJ.pdf