

Crime, Incarceration, and the Left

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Those disturbed by the United States' largest-in-the-world incarceration rate have some new reasons to be cautiously optimistic. President Obama nominated an opponent of the drug war to the Justice Department's highest civil rights position, signaling the possibility that the costly and counterproductive imprisonment of drug users may be coming to an end. Conservatives from Newt Gingrich to Jeb Bush to Rand Paul are advocating for less incarceration and an end to employment discrimination for people with criminal records, hinting that crime panics won't be the campaign fodder they once were.[1] The public is also less concerned with crime. In 1994, 37 percent of respondents listed crime as the most important problem facing the country. In 2014, only 2 percent did.[2] That might be because only half as many people reported being the victim of a violent crime in 2013 as did in 1994. The incarceration rate is also declining (albeit slightly) after 40 years of steep increases.[3]

This pivotal moment presents the socialist and social democratic left with possibilities and pitfalls. With a less-fevered crime discussion, now might be the best time to adequately address the harms that crime visits on our communities. Obviously, stopping crime is important, but we must situate it as one harm among many. There are preventative responses to crime that are likely cheaper than our current criminal justice response, that will avoid the human consequences of mass incarceration, and that will bolster a traditional social democratic agenda. There are groups pioneering community-based responses to violence that stop the causes of violence. The time has never been better to show that reducing inequality, providing health care, creating affordable housing, and reinvesting in schools are all crime-stopping measures. As some conservatives shift their positions on crime, we might be tempted to ally with the right. But, as I will argue, we should remember that the anti-prison right will be useful only in specific ways, lest we further dismantle social programs.

The left has good reasons to address crime. The working class, the poor, LGBT folks, and people of color are all at disproportionate risk for victimization.[4] If we want an equitable distribution of wealth we no doubt also want an equitable distribution of safety. Addressing crime is important, and doing so will mean replacing the traditional, heavily loaded definitions of crimes. Drug use and theft are not the problems they are often made out to be.

Drug use on college campuses is as common as drug use on city streets, but drug laws are enforced much differently there. What qualifies as a crime for someone on a city street corner is more likely to be ignored—or met with treatment—on a college campus. If we look to reduce the harm of drugs, rather than reduce “crime,” our strategies will look more like public health and less like criminal justice, more needle exchanges and fewer police.

Unlike drugs, theft causes real harms, but its impact is far less than often assumed. Unpaid taxes cost Americans 15 times more than property theft did in 2006 (the most recent year with data).[5] Tax evasion and investment banks' ruinous schemes pose greater risks than burglars. That theft is more prevalent in poor communities reveals the need for jobs, not prison cells. Job creation is the best way to prevent theft, and, as will be explored below, restorative justice practices are better responses to theft than the criminal justice system. Police and prisons do little to address property loss in part because arrest and incarceration hurt the possibility for future employment, increasing the likelihood of people returning to theft for income. Voters in California showed in November 2014 that they are getting wise to the wastefulness of drug and theft arrests, as 58 percent of them approved a ballot measure reducing the penalties for many nonviolent crimes.[6]

It is perhaps easy to demonstrate that drug use and nonviolent theft would be better served by non-police responses. Violent crime requires a more difficult reckoning. Homicide is the second leading cause of death for men aged 15-24 (death from unintended injuries is the first). It is not easy to ignore. The harm is real, but contrary to stories told during political campaigns, homicides and other violent crimes are more likely committed by someone the victim knows than by a stranger.[7] Police are ill-equipped to prevent such known-attacker violence. Later, I will describe groups that are providing non-police responses to violence and discuss how understanding the causes of such violence will help us understand possible solutions. First, though, it is important to see why one commonly proposed solution to violence causes more harm than good.

The Big “Reform” That Hurt

The government claimed that incarceration—its response to crime that defined the past four decades—would stop violence and “urban unrest,” but instead it has helped shore up whites’ economic and political advantage while devastating poor communities of color. The summary statistics are well known: between 1975 and 2005, the U.S. incarceration rate quintupled, putting 1 out of every 100 people behind bars, more than any other country in the world and more than at any time in U.S. history. Black and Latino people are a quarter of the population at large, but 58 percent of the incarcerated population. One in nine black children has a parent incarcerated.[8]

The racial disparity in incarceration has translated into a host of unearned benefits for white people. Obviously, people without criminal records, who are disproportionately rich and white, are favored in hiring decisions over people with criminal records. Of people who get arrested, most have jobs prior to the arrest,[9] but incarceration interrupts those jobs and becomes time spent not gaining experience and skills, further pushing formerly incarcerated people into low-status and low-wage jobs. Because incarceration combines with racism to force many people of color to the bottom of the labor hierarchy, whites have disproportionately benefited from economic booms and have been buffered from recessions. Sociologist Bruce Western found that, over all, black men obtained no benefit in either jobs or wages from the 1990s economic expansion because of their overrepresentation in prisons.[10]

Mass incarceration has also helped increase white political power. One in 13 black men cannot vote because of a felony conviction, and in Florida, Kentucky, and Virginia the figure is one in five.[11] Sociologists Chris Uggen and Jeff Manza analyzed the outcome of U.S. senate and presidential races between 1978 and 2002 and found that if people with felony convictions had been allowed to vote, seven senate races and the 2000 presidential election that were won by Republicans would have been carried by Democrats.[12]

Does mass incarceration’s role in reducing crime outweighs all of these negative effects? The trouble is, the prison boom did not have a large effect on crime. The National Research Council convened a group of experts to determine whether the incarceration boom and the crime decline were related and they found, summarizing numerous multi-year studies, that “the growth in incarceration rates reduced crime, but the magnitude of the crime reduction remains highly uncertain and the evidence suggests it was unlikely to have been large.”[13] One of the studies they cited found incarceration was responsible for 5-10 percent of the crime drop. On the other hand, sociologist Todd Clear has found that high incarceration rates so destabilize some neighborhoods that crime there actually *increases* in response.[14]

I linger on the effects of prison not just to show that the current government response to crime has been horribly counterproductive and supportive of white supremacy, but also because understanding how the current government response to crime has hurt helps us understand how it can be changed. For instance, state governments around the country currently spend the bulk of their corrections

budgets in rural, mostly white towns where prisons are usually located. This government expenditure, what geographer Ruth Wilson Gilmore calls “carceral Keynesianism,”[15] redistributes money from the mostly urban neighborhoods from which prisoners largely come to the mostly white towns where prisoners are sent. In 2004, there were 35 “million-dollar blocks” in Brooklyn, New York, blocks whose residents the state spent over one million dollars locking up. Government capacity could be redirected to benefit—rather than cage—the residents of those blocks.[16]

Police and corrections budgets are ripe to be redirected toward more beneficial ends. Local government spending on police has grown 300 percent since the 1970s to an average of \$295 per person. Shifting this spending towards housing, jobs, healthcare, and education would combat inequality, removing the conditions of poverty that often cause crime. Reparations for slavery would be an especially beneficial use for old corrections dollars because it would address the racialized way that incarceration has benefited white people and hurt black people.

Community Responses to Violence

Public housing is usually thought of as a nexus of crime, places where poverty and poor conditions combine to foster drug use and violence. But in a study of Mount Laurel, New Jersey, sociologist Douglas Massey and his colleagues found that locating public housing in the town did not increase crime rates.[17] Residents who moved into the subsidized housing benefited from lower crime levels, and their neighbors experienced no more crime after the public housing was built. That the Mount Laurel initiative included high-quality homes that were well maintained and not crowded likely contributed to their safety—but these should be characteristics of all public housing. Other studies have shown that prenatal health care, quality pre-K, and steady employment are all correlated with lower crime rates.[18] The success of these preventative measures show that a more holistic approach is needed to reduce crime. The criminal justice system need not be our primary response to harm. It also indicates that a traditional socialist platform is consistent with—indeed supportive of—lower crime rates.

Holistic preventative measures will help, but even with them, interpersonal violence will occur. Fortunately, community-based responses to violence are beginning to replace individualistic ones. One approach, called restorative justice, takes into account not just the perpetrator and a punishment, but the whole range of people affected by a crime: the victims, the offenders, and their communities. As people who understand that solutions take a village, socialists and social democrats are natural proponents of restorative justice. Rather than seeking a prison term, a restorative justice conference seeks discussion and restitution in a manner that more closely resembles a truth and reconciliation committee than a gulag. While the exact implementation of such practices varies across the United States, they are undergoing wide adoption as alternatives to traditional criminal justice procedures for crimes as diverse as theft and murder.[19] Schools like New York City’s Lyons Community School are avoiding suspensions and detentions using a restorative justice model.[20] Developing community-based justice practices will not just address the narrow slice of harms that get defined as crimes, but will deal with inter-personal harms that happen more frequently.

Restorative justice work helps address harm after it has happened. There are groups working to stop violence *before* it happens without appealing to the criminal justice system. Cure Violence, a group made famous in the 2011 documentary *The Interrupters*, takes a public health approach to violence. The group employs “violence interrupters” who are from the neighborhoods in which they work and were often previously involved in violence themselves. The group views killings in retaliation for other killings as a disease that can be stopped. To this end they meet with victims of violence and their families to discourage retaliation and to settle grievances through other means. A Department of Justice-funded study found the group was responsible for a reduction of violence between 40-70 percent in seven neighborhoods in Chicago,[21] and the group has expanded to Kansas City, New

York, New Orleans, Baltimore, and three international cities. If overlarge police budgets were spent on violence interrupters, we could not just react to, but prevent, violence.

Addressing intimate-partner violence will require some different approaches from those employed to stop the cycle of retaliation killings. A moment in 2012 demonstrates two distinct approaches to addressing domestic violence. That year, the New York state legislature considered two bills. They could have passed the Domestic Violence Survivors Justice Act, a bill being pushed by many grassroots feminist and anti-mass incarceration activists that would have decreased the penalties for women convicted of crimes against their abusers. Or the legislature could have passed a bill that made penalties more severe for men who repeatedly abuse their partners or children.[22] When faced with divergent approaches—one that called for less prison and one for more—the legislature voted for and the governor signed into law only the bill that increased prison, sending violent men to violent prisons for a longer time and keeping women who lash out against their abusers in prison. A law criminalizing repeat abuse without recognizing that prisons make violence more likely is starkly ignorant of the causes of violence.

In addition to the Domestic Violence Survivors Justice Act, there are many responses the left can adopt to reduce both the harms of incarceration and the harms of intimate-partner violence. Universal day care would provide the financial and child care independence some women need to leave a partner who is abusing them and their children (as well as reducing violence against children from stressed-out parents and parents' partners). Rape crisis centers provide women and their chosen communities a chance to determine the best response to abuse without fear of police or child protective services getting involved. Championing these responses to crime will help stop violence while also avoiding what sociologist Elizabeth Bernstein and others have called "carceral feminism,"[23] which responds to violence against women with demands for more police and harsher sentences.

Alternatives like restorative justice practices, neighborhood patrols, and rape crisis centers are bold demonstrations that police are not the only or the best response to violence. These on-the-ground responses, coupled with jobs, housing, health care, and schools, are the basis of the left response to violence.

"Right on Crime"

Conservatives have historically had electoral success appealing to voters' crime fears. This is starting to change, however, and the realigned political landscape could be a moment of opportunity. The right is opposing incarceration not out of compassion but because of spending. As incarceration rates have ballooned, so too has spending on prisons. States typically spend between \$15,000 and \$55,000 per person incarcerated per year, with New York spending over \$60,000.[24] Some big names on the right—who were previously comfortable with the contradiction of promoting small government for social programs and big government for police, prisons, and defense—are starting to doubt the wisdom of mass incarceration. Newt Gingrich, Jeb Bush, and Rand Paul all support the Texas-based organization Right on Crime, which advocates less spending on the "out of control unaccountable [criminal justice] bureaucracy." The conservative Heritage Foundation is working to end "overcriminalization" by publicizing how engagement with the criminal justice system is detrimental for so many. Can we use this shift on the right to both end mass incarceration and build strong social programs?

Anti-prison leftists partnering with conservatives in local campaigns to stop this jail construction or close that prison can be useful. On single-issue campaigns we can use strange bedfellows without advancing their anti-poor, small-government agendas. But, as historian David P. Stein has warned, to ally with anti-prison conservatives at the state and national levels would serve a different

function.[25] Bolstering their credentials by partnering with them would likely shrink prisons only to grow other forms of economic and social inequality. The right would be OK with releasing people from prison and watching them return to communities without quality jobs, schools, or homes. Reducing crime through preventative measures and ending mass incarceration will likely be cheaper than the previous, prison-based response, but it will require a reallocation of resources that conservatives will oppose. Still, national conservatives can act as symbols, signs that we no longer need to be “tough on crime.” They can be what we point to when we are holding liberal policymakers’ feet to the fire, telling them that opposing prisons need not have negative electoral consequences.

The waning significance of crime is due in part to the reduced whipping up of panic by politicians and media. Crime fear is not an organic emotion that bubbles up from the grassroots; it follows after news coverage. Sociologist Katherine Beckett has shown that from the 1960s to the 1990s, political initiatives and media coverage of crime were better predictors of public opinion on crime concerns than were crime rates.[26] This does not mean we can ignore crime because public concern over crime is merely an artifact of fear mongering. We know that crime has serious consequences, especially among marginalized groups. What this does tell us, though, is that there is room to reshape the public’s view of crime and prisons. Indeed, crime fears are low at the same time that people think crime rates are high. Crime is down almost 50 percent since its high in 1993, yet 65 percent of respondents to a recent poll said that crime had increased or stayed the same in the last 20 years.[27] The public’s seemingly contradictory beliefs that crime is high and that crime is not the country’s most pressing problem shows that the left can frame crime as one harm among many that need to be addressed. Crime is a problem, but so are inequality, climate change, and mass incarceration.

The modern prison is about two hundred years old. During its tenure we have innovated better responses to disease, a larger (though not large enough) welfare state, and vast public transportation networks, but we still respond to crime and violence in the same way, by putting people in cages. As crime continues to decline and as innovative responses to violence grow in acceptance, we have a unique moment to advance social democratic, non-prison ways of preventing and responding to crime. Punitive and regressive forces might again surge, promoting “tough” penalties. We might repeat past errors, mistaking criminal justice responses as the best solution. But it is also possible that we will build alliances and organize the grassroots to advance these innovative crime responses, finding that one day soon both wealth and safety are distributed equitably.

Footnotes

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