



IMPRISONING JUSTICE

Is America winning the war on crime - and should Britain follow our example?

Elliott Currie

America is losing the fight against crime and it is losing it badly. For at least the last twenty five years American crime policy has been unable to bring a reasonable degree of safety to our streets and homes despite absolutely extraordinary levels of expenditure.

What accounts for the curious attraction of these failed policies and why do relatively tranquil and 'low crime' countries like Britain seem hell bent on replicating the mistakes which we have already made - mistakes which, once made, are terribly difficult to undo?

A campaign of misinformation

Part of the reason for the continued pursuit of these policies is because information on their effects is incomplete and misleading. The lack of information is not entirely accidental. There are a significant number of people in the United States who have a considerable personal, political, and in some cases a financial stake in the continuation of our present policies. Acknowledging failure would simply call too much into question - not just the specific matter of how we have dealt with crime, but how we have chosen to order our society as a whole.

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In the context of the extraordinary campaign of misinformation about the state of crime some pundits are claiming that we are now winning the war on crime.

The argument you are likely to hear nowadays, in brief, goes like this. The American strategy of radically increasing the incarceration rate as our main response to crime has worked and would indeed work even better if we did a lot more of it - particularly if we got rid of the remaining obstacles that stand in its

way, like overly comfortable prisons and the soft handling of juvenile offenders.

These assertions are false, or at best fatefully misleading. In relation to the contention that 'prison works' in reducing crime we need to begin by considering the extraordinary growth of incarceration over the past 25 years in the United States. This growth represents one of the most extraordinary social experiments of our time.

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An extraordinary social experiment

In 1970 we had 196,000 inmates in our state and federal prison systems, not including local jails and facilities for juvenile offenders. We passed the 1 million mark during 1994 and the state and federal prisons now hold about 1.1 million inmates on any given day. There are also well over 500,000 inmates currently in local jails and juvenile institutions. In short, we have more than quintupled the prison population over the last 25 years.

Some states have experienced even higher rates of expansion in recent years. Texas, New Hampshire and Colorado have more than tripled their prison populations in the last ten years alone. Amazingly, during the year of 1989, the state of Michigan opened a new prison every nine weeks.

The growth of the prison populations has not been spread evenly across the population but has involved a disproportionate number of people from ethnic minorities. The number of black men in prison today is well over twice the entire prison population in 1973. Since 1980 the white population has grown by 169%, the black population by 222%; while the Hispanic population has increased by 449% over the same period.

In trying to grasp the full social meaning of this prison explosion, which now dominates the life of many communities of colour in the United States, it is critical to understand that it took place simultaneously with the almost equally radical reduction in other

kinds of public (and private) investment in these communities. As our poorest communities were sending an unparalleled flood of young people into jails and prisons many neighbourhoods were simultaneously being turned literally into hollow shells, places without stores or jobs, without health care or mental health facilities, with crumbling schools and non-existent job creation programmes and with virtually no legitimate things for young people to do.

It is important to note that this dramatic shift in the distribution of public expenditure has been influenced very heavily by the increasingly prevalent argument that 'prison works' to reduce crime and that jobs and job training do not.

Has it worked?

After years of investing billions of dollars in incarceration the question we are entitled to ask is: what impact has it made in relation to crime reduction? The range of credible answers to this question run from 'not much' to 'virtually nothing'.

The good news is that there has been an overall decline in violent crime in the United States since about 1992. The bad news is that (1) much of this decline appears as such, only because of large rises in the preceding few years which brought the highest levels of violence many of our cities and rural areas had even seen and therefore a larger view shows no decline at all; (2) even this recent decline is disturbingly uneven, heavily accounted for by the experience of a few larger cities, notably New York, but (3) even in those cities violent crime often remains higher - and rarely more than fractionally lower - than it was before our enormous investment in prisons began; (4) worse, violence has risen quite dramatically in a number of other cities in the face of the prison boom; and (5) these increases have been concentrated among the most vulnerable people in America and tragically among the young.

Although there has been a welcome decrease in the reported level of violent crime in recent years, the level of violent crime nationally is still considerably higher than it was in the mid 1980s. In many cities the record is far grimmer. In New Orleans for example, the homicide



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rate increased over 300 per cent between 1970 and 1995. This is a city which drastically reduced funding for its schools in order to finance its incarceration programme. To put it another way the state of Louisiana imprisoned its population at a rate which was five times higher in the mid 1990s than in the early 1970s. Yet the unfortunate citizens of New Orleans were more than four times as likely to be murdered at the end of the period than at the beginning.

It is not that there has been no 'incapacitation effect', but that the effect is distressingly small in relation to the huge costs involved.

Other examples of the dismaying juxtaposition of substantial increases in prison expenditure and the rise of serious crime could be given. But the message is clear. The state of violence in many of America's cities, particularly among the young and disadvantaged, is after two decades of the most intensive investment in imprisonment as high as has ever been seen. It is not that there has been no 'incapacitation effect', but that the effect is distressingly small in relation to the huge costs involved.

Despite the evidence that prison expansion has made little or no impact on the level of crime in many states there are still some who claim that without the

expansion of imprisonment things would be even worse and crime rates would be even higher. The speculative nature of this argument makes it difficult to address empirically, but the general proposition does not square well with the available evidence. States which did not engage in the prison binge to the same extent as other states did not necessarily experience significantly different changes in the level of violence. In fact states such as Arizona and Virginia which have become particularly punitive have experienced enormous increases in homicide rates since the early 1970s. Thus the simplistic claim that violence would have been far worse if not for the prison binge are not tenable.

The commonly unstated assumption underpinning this debate is that the alternative to the expansion of the prison system is doing nothing. No serious commentator has ever argued that. The real debate was whether to develop a strategy emphasising retrenchment and incarceration. So if you want to argue that things would have been worse without the prison boom, you have to ask; compared to what?

A similar conceptual problem arises in relation to the less than credible argument that, because the cost of crime is so high, prison provides a cost-effective form of intervention. The 'prison pays' argument requires estimating just how many hypothetical crimes are prevented by locking offenders up. These calculations, however, tend to be divorced from mere reality and engage in various forms of creative accounting.

The most serious problem with the 'prison works' and the 'prison pays' arguments is that they blanket out the alternatives. They assume away the possibility of other kinds of spending on other kinds of public investments, which might 'pay' a great deal better than prison does.

Making a difference

In opposition to the carefully cultivated myth that there are no credible alternatives to what we are now doing in America I would like to suggest four things which would make a difference to the level of serious crime and which are less costly than continuing to rely on incarceration.

1. Invest substantial resources in the prevention of child abuse and neglect. There is compelling evidence that this is where much of the violent crime which plagues us begins.
2. Expand early interventions for children at risk of impaired cognitive development and early failure in school.
3. Invest in intensive programmes at the middle and the high school level to develop young people's skills and keep them on track toward higher education and training.
4. Develop programmes which work intensively with young people who are already in trouble early in their offending career and turn them around.

There are a number of programmes which have been developed in relation to these strategies which have proved to be successful. There is a pressing need to support and develop these initiatives. All of these successful interventions involve building on the strengths and capacities of young people. They also encourage young people to be productive and responsible and they can be very cost effective.

These strategies are designed to keep these people rather than simply throwing them away. This is important because what matters in any reasonable society is not just **whether** we reduce crime but **how**. Further expansion of the penal system may have some impact on violent crime - perhaps enough to induce a spirit of self congratulation and to suppress the search for alternatives. The cost of swelling the size of the penal gulag at the expense of gutting every other public institution is to condemn large segments of our population to stunted lives and permanently thwarted prospects. ■

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