



## **Do More Prisoners Equal Less Crime? A Response to George Will**

In a recent syndicated column (“More Prisons, Less Crime,” *Washington Post*, June 22, 2008), commentator George Will argues that the world record incarceration rate in the United States has produced safer streets and has been beneficial in particular to African Americans, who are disproportionately victims of crime. Will’s selective use of data and limited vision provide an inaccurate portrayal of current criminal justice policy and its effects. Following is an assessment of some of the key arguments raised in the column.

“Liberalism likes victimization narratives and the related assumption that individuals are blank slates on which ‘society’ writes. Hence liberals locate the cause of crime in flawed social conditions that liberalism supposedly can fix.”

Decades of research documents that people in low-income, minority communities are at greater risk of entering the criminal justice system because of the paucity of prevention programs, early intervention programs, and alternatives to incarceration. While privately runsocial services programs are widely available in most middle and upper class communities, their limited presence where they are most needed means that the first “intervention” that those less fortunate encounter is often prison.

Evidence-based social programs that address the contributing factors to crime have been demonstrated to be more cost-effective than incarceration. Research shows that quality preschool programs can save the public \$17 for each dollar that is invested. Other programs with documented cost-effectiveness include initiatives to improve high school graduation rates and a variety of substance abuse treatment strategies.

“...Obama said that ‘more young black men languish in prison than attend colleges and universities.’ Actually, there are more than twice as many black men ages 18 to 24 in college as there are in jail.”

Will is technically correct that Senator Obama misspoke in his reference to *young* black men, as opposed to black men of all ages. But current and projected rates of incarceration for black men are indeed dramatic. One of every nine black males in the age group 20-34 is in prison or jail on any given day, and if current trends continue one of every three black males born today can expect to go to prison in his lifetime.

“...from 1999 to 2004, violent offenders accounted for all of the increase in the prison population”

Will is both wrong and misleading on this statistic. First, the violent offense proportion of the state prison population increase, 75%, was substantial, but did not account for “all of the increase.” More importantly, the crisis of incarceration in the U.S. did not begin in 1999. In fact, the incarcerated population has been rising at a dramatic rate for more than three decades. The combined prison and jail population has risen by more than 600% since 1972, increasing from 300,000 to 2.3 million today. A longer term view of the rise in the prison and jail population shows that changes in drug policy have been most significant in contributing to this expansion. From 1980 to today, the number of drug offenders in prison and jail has risen by 1100%, from 41,000 to 500,000.

“In the overwhelming majority of cases, prison remains a lifetime achievement award for persistence in criminal offending. Absent recidivism or a violent crime, the criminal-justice system will do everything it can to keep you out of the state or federal slammer.”

The unprecedented rise in the prison population described above was brought about primarily as a result of changes in policy, not crime rates. State and federal legislatures passed numerous “tough on crime” laws intended to put *more* people in prison and keep them there *longer* than in the past. An analysis of incarceration patterns between 1980 and 2001 by noted criminologists Alfred Blumstein and Allen Beck concluded that fluctuations in crime rates played no role in the 316% growth in imprisonment. The researchers found that the *entire* growth was related to changes in sentencing policy, with 53% attributable to an increased likelihood of incarceration following an arrest and 47% resulting from increased time served in prison.

“But [Heather] Mac Donald cites studies of charging and sentencing that demonstrate that the reason more blacks are disproportionately in prison, and for longer terms, is not racism but racial differences in patterns of criminal offending.”

While differential crime offending is *one* contributing factor to racial disparities in prison, a wealth of research documents that it only explains a portion of the patterns in imprisonment. A comprehensive review of research in the field conducted for the National Institute of Justice concluded that “race and ethnicity do play an important role in contemporary sentencing decisions. Black and Hispanic offenders -- and particularly those who are young, male, or unemployed -- are more likely than their white counterparts to be sentenced to prison; in some jurisdictions, they also receive longer sentences...than do similarly situated white offenders.”

“As for the charge that the incarceration rate of blacks is substantially explained by more severe federal sentences for crack as opposed to powder-cocaine defendants...[citing Mac Donald] ‘it’s going to take a lot more than 5,000 or so [federal] crack defendants a year to account for the 562,000 black prisoners in state and federal facilities at the end of 2006.’”

The movement to reform federal penalties for crack cocaine offenses is not based on the assumption that these policies represent the *entire* problem of disparity in the criminal justice system. Instead, as respected organizations including the U.S. Sentencing Commission and the American Bar Association have documented, the crack penalties are both ineffective as drug policy and contribute to unwarranted racial disparities. They are also representative of many of the misguided policies and practices of the “war on drugs,” which has resulted in over-incarceration of low-level offenders and disproportionate targeting of communities of color.

“ . . . 10 years of scholarly studies ‘have shown that states that sent a higher fraction of convicts to prison had lower rates of crime . . . [a] high risk of punishment reduces crime. Deterrence works.’”

The relationship between incarceration and crime is far more complicated than is suggested by this quote. During the 1990s, a time of historic declines in crime, there was no discernable correlation between incarceration rates and criminal offending. Between 1991 and 1998, states with above average increases in the rate of incarceration (72%) experienced a 13% decrease in crime rates. But states with below average increases in the rate of incarceration (30%) actually experienced a greater decline in crime rates, 17%. During this time the notable “tough on crime” state of Texas experienced a 144% rise in incarceration between 1991 and 1998, and its crime rate fell 35%. However, New York’s crime rate declined by a greater extent, 43%, during this period, despite an increase of incarceration of only 24%. New York continues to experience historic lows in crime while its prison population continues to decline, and there is widespread discussion of closing four prisons in the state because of excess capacity.

In truth, imprisonment has only played a limited role in reducing crime. An analysis of the drop in crime during the 1990s estimated that the growth of imprisonment accounted for about one-quarter of the decline in violent crime. Other contributing factors likely included a growing economy, changes in drug market dynamics, strategic policing, and community engagement in crime prevention efforts. While imprisonment may work at some level to reduce crime through deterrence and incapacitation, there is little evidence supporting the deterrent effect of increasingly longer prison sentences. Research suggests that any deterrent effect is more a function of the *certainty* of punishment, not the *severity*.

“‘Deterrence works.’ [Quoting Heather MacDonald] It works especially on behalf of blacks, who are disproportionately the victims of crimes by black men.”

While prison has had only a limited impact on crime, it is increasingly resulting in negative consequences for individuals, families, and communities. As a result of mass incarceration there are now 1.5 million children with a parent in prison, including 1 in 14 African American children.

African American communities are also affected by the challenges of reentry for the 700,000 people leaving prison each year. Many persons leaving prison are ill-equipped to handle life on the outside because they have received few services for mental health, substance abuse, education, and vocational skill-building programming while incarcerated.

Upon leaving prison or jail, individuals encounter a tangle of legal restrictions which severely limit their ability to become productive members of society. In addition to longstanding barriers to employment and education, in recent years policymakers have enacted a host of restrictions, many applying solely to drug offenders. These include a federal ban on welfare and food stamps for those with a felony drug conviction, a federal mandate that limits access to public housing, and restrictions on student loans for higher education.

An estimated 5.3 million individuals are unable to vote because of laws that deny this fundamental right to participate in the democratic process to those with felony convictions. These restrictions fall disproportionately on African Americans, with 13% of black males currently unable to vote. These policies affect black communities as a whole, whereby even persons who are not disenfranchised experience vote dilution as a result of high rates of legal disenfranchisement in their communities.

### Conclusion

Issues of crime and justice are critical ones for all Americans. As such, we need to encourage a national dialogue on promoting safety that assesses the appropriate balance of approaches among prevention, strengthening communities, and criminal justice sanctions. For more than three decades our nation has made unprecedented investments in prison expansion at the expense of other policy options. We now need a national dialogue that is centered on evidence-based research regarding the relative effectiveness of various interventions. Such a dialogue would produce better public safety outcomes for all Americans.