

Hello! Welcome to criminal law.

Before our first class, please read sections 1.A-D1 (pp.1-13) of our casebook (Joshua Dressler & Stephen P. Garvey, Criminal Law Cases and Materials (8th ed. 2019)) and Hamilton Project, *Ten Economic Facts about Crime and Incarceration in the United States* (attached, pp.1-15). Also please download a QR code reader on your phone; I will use a QR code to take attendance.

By August 21, I will send an email inviting you to the Canvas site for our course and providing course policies, a tentative syllabus, and other information. Please try to take the syllabus quiz before the first day of class.

For the second class, please read section 2.A (pp.33-51) in our casebook as well as The Nation, *What Is Prison Abolition?* (attached, pp.1-14).



Ten Economic Facts about Crime and Incarceration in the United States

Melissa S. Kearney, Benjamin H. Harris, Elisa Jácome, and Lucie Parker



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Introduction

Crime and high rates of incarceration impose tremendous costs on society, with lasting negative effects on individuals, families, and communities. Rates of crime in the United States have been falling steadily, but still constitute a serious economic and social challenge. At the same time, the incarceration rate in the United States is so high—more than 700 out of every 100,000 people are incarcerated—that both crime scholars and policymakers alike question whether, for nonviolent criminals in particular, the social costs of incarceration exceed the social benefits.

While there is significant focus on America's incarceration policies, it is important to consider that crime continues to be a concern for policymakers, particularly at the state and local levels. Public spending on fighting crime—including the costs of incarceration, policing, and judicial and legal services—as well as private spending by households and businesses is substantial. There are also tremendous costs to the victims of crime, such as medical costs, lost earnings, and an overall loss in quality of life. Crime also stymies economic growth. For example, exposure to violence can inhibit effective schooling and other developmental outcomes (Burdick-Will 2013; Sharkey et al. 2012). Crime can induce citizens to migrate; economists estimate that each nonfatal violent crime reduces a city's population by approximately one person, and each homicide reduces a city's population by seventy persons (Cullen and Levitt 1999; Ludwig and Cook 2000). To the extent that migration diminishes a locality's tax and consumer base, departures threaten a city's ability to effectively educate children, provide social services, and maintain a vibrant economy.

The good news is that crime rates in the United States have been falling steadily since the 1990s, reversing an upward trend from the 1960s through the 1980s. There does not appear to be a consensus among scholars about how to account for the overall sharp decline, but contributing factors may include increased policing, rising incarceration rates, and the waning of the crack epidemic that was prevalent in the 1980s and early 1990s.

Despite the ongoing decline in crime, the incarceration rate in the United States remains at a historically unprecedented level. This high incarceration rate can have profound effects on society; research has shown that incarceration may impede employment and marriage prospects among former inmates, increase poverty depth and behavioral problems among their children, and amplify the spread of communicable diseases among

disproportionately impacted communities (Raphael 2007). These effects are especially prevalent within disadvantaged communities and among those demographic groups that are more likely to face incarceration, namely young minority males. In addition, this high rate of incarceration is expensive for both federal and state governments. On average, in 2012, it cost more than \$29,000 to house an inmate in federal prison (Congressional Research Service 2013). In total, the United States spent over \$80 billion on corrections expenditures in 2010, with more than 90 percent of these expenditures occurring at the state and local levels (Kyckelhahn and Martin 2013).

A founding principle of The Hamilton Project's economic strategy is that long-term prosperity is best achieved by fostering economic

growth and broad participation in that growth. Elevated rates of crime and incarceration directly work against these principles, marginalizing individuals, devastating affected communities, and perpetuating inequality. In this spirit, we offer "Ten Economic Facts about Crime and Incarceration in the United States" to bring attention to recent trends in crime and incarceration, the characteristics of those who commit crimes and those who are incarcerated, and the social and economic costs of current policy.

Chapter 1 describes recent crime trends in the United States and the characteristics of criminal offenders and victims. Chapter 2 focuses on the growth of mass incarceration in America. Chapter 3 presents evidence on the economic and social costs of current crime and incarceration policy.

CHAPTER 1: The Landscape of Crime in the United States

Crime rates in the United States have been on a steady decline since the 1990s. Despite this improvement, particular demographic groups still exhibit high rates of criminal activity while others remain especially likely to be victims of crime.

1. Crime rates have steadily declined over the past twenty-five years.
2. Low-income individuals are more likely than higher-income individuals to be victims of crime.
3. The majority of criminal offenders are younger than age thirty.
4. Disadvantaged youths engage in riskier criminal behavior.

1. Crime rates have steadily declined over the past twenty-five years.

After a significant explosion in crime rates between the 1960s and the 1980s, the United States has experienced a steady decline in crime rates over the past twenty-five years. As illustrated in figure 1, crime rates fell nearly 30 percent between 1991 and 2001, and subsequently fell an additional 22 percent between 2001 and 2012. This measure, calculated by the FBI, incorporates both violent crimes (e.g., murder and aggravated assault) and property crimes (e.g., burglary and larceny-theft). Individually, rates of property and violent crime have followed similar trends, falling 29 percent and 33 percent, respectively, between 1991 and 2001 (U.S. Department of Justice [DOJ] 2010b).

Social scientists have struggled to provide adequate explanations for the sharp and persistent decline in crime rates. Economists have focused on a few potential factors—including an increased number of police on the streets, rising rates of incarceration, and the waning of the crack epidemic—to explain the drop in crime (Levitt 2004). In the 1990s, police officers per capita increased by

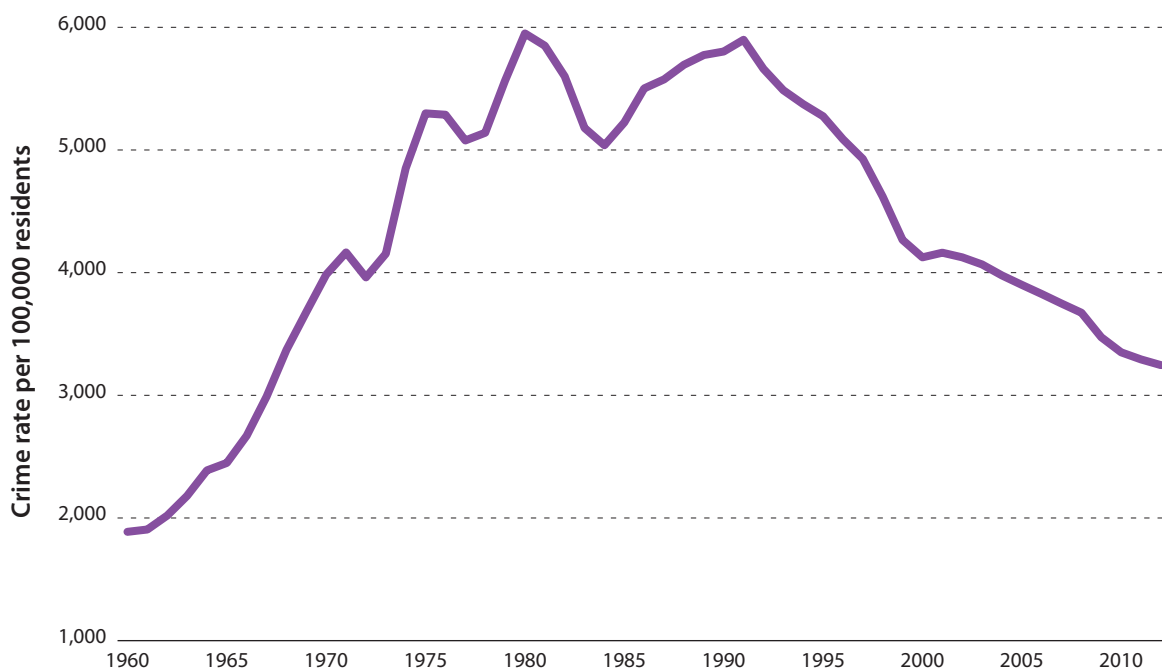
approximately 14 percent. During this same decade, sentencing policies grew stricter and the U.S. prison population swelled, which had both deterrence (i.e., prevention of further crime by increasing the threat of punishment) and incapacitation (i.e., the inability to commit a crime because of being imprisoned) effects on criminals (Abrams 2011; Johnson and Raphael 2012; Levitt 2004). The waning of the crack epidemic reduced crime primarily through a decline in the homicide rates associated with crack markets in the late 1980s.

Though crime rates have fallen, they remain an important policy issue. In particular, some communities, often those with low-income residents, still experience elevated rates of certain types of crime despite the national decline.

FIGURE 1.

Crime Rate in the United States, 1960–2012

After being particularly elevated during the 1970s and 1980s, the crime rate fell nearly 45 percent between 1990 and 2012.



Sources: DOJ 2010b; authors' calculations.

Note: The crime rate includes all violent crimes (i.e., aggravated assault, forcible rape, murder, and robbery) and property crimes (i.e., burglary, larceny-theft, and motor vehicle theft).

2. Low-income individuals are more likely than higher-income individuals to be victims of crime.

Across all types of personal crimes, victimization rates are significantly higher for individuals living in low-income households, as shown in figure 2. In 2008, the latest year for which data are available, the victimization rate for all personal crimes among individuals with family incomes of less than \$15,000 was over three times the rate of those with family incomes of \$75,000 or more (DOJ 2010a). The most prevalent crime for low-income victims was assault, followed closely by acts of attempted violence, at 33 victims and 28 victims per 1,000 residents, respectively. For those in the higher-income bracket, these rates were significantly lower at only 11 victims and 9 victims per 1,000 residents, respectively.

Because crime tends to concentrate in disadvantaged areas, low-income individuals living in these communities are even more likely to be victims. Notably, evidence from the Moving to Opportunity program—a multiyear federal research demonstration project that combined rental assistance with housing counseling to help families with very low incomes move from areas with a high concentration

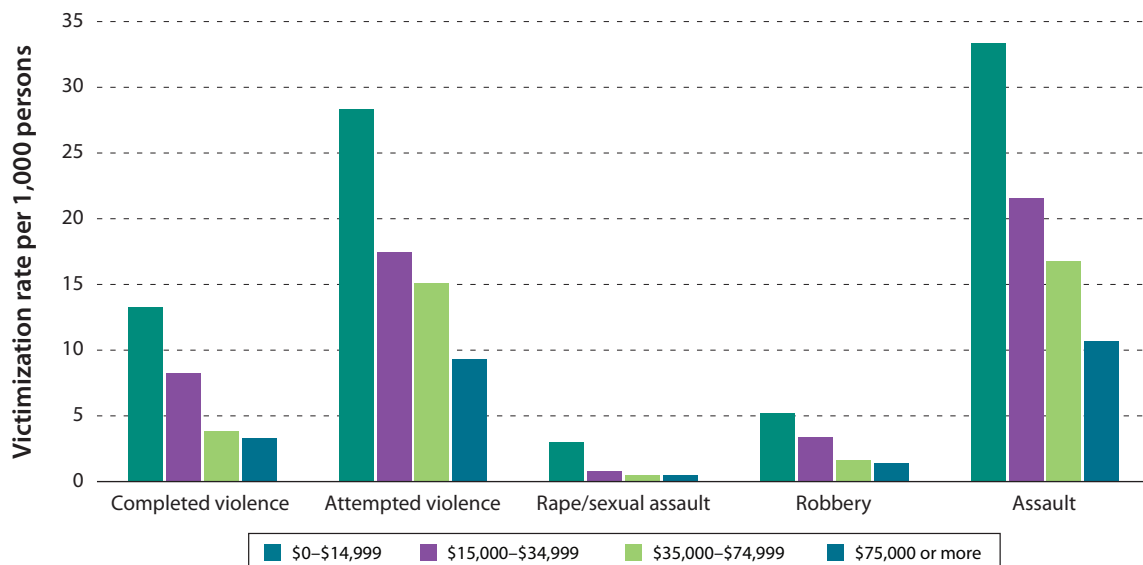
of poverty—suggests that moving into a less-poor neighborhood significantly reduces child criminal victimization rates. In particular, children of families that moved as a result of receiving both a housing voucher to move to a new location and counseling assistance experienced personal crime victimization rates that were 13 percentage points lower than those who did not receive any voucher or assistance (Katz, Kling, and Liebman 2000).

Victims of personal crimes face both tangible costs, including medical costs, lost earnings, and costs related to victim assistance programs, and intangible costs, such as pain, suffering, and lost quality of life (Miller, Cohen, and Wiersama 1996). There are also public health consequences to crime victimization. Since homicide rates are so high for young African American men, men in this demographic group lose more years of life before age sixty-five to homicide than they do to heart disease, which is the nation's overall leading killer (Heller et al. 2013).

FIGURE 2.

Victimization Rates for Persons Age 12 or Older, by Type of Crime and Annual Family Income, 2008

In 2008, individuals with annual family incomes of less than \$15,000 were at least three times more likely to be victims of personal crimes—such as rape and assault—than were individuals with annual family incomes of \$75,000 or more.



Sources: DOJ 2010a; authors' calculations.

Note: The victimization rate is defined as the number of individuals who were victims of crime over a six-month period per every 1,000 persons age twelve or older.

3. The majority of criminal offenders are younger than age thirty.

Juveniles make up a significant portion of offenders each year. More than one quarter (27 percent) of known offenders—defined as individuals with at least one identifiable characteristic that were involved in a crime incident, whether or not an arrest was made—were individuals ages eleven to twenty, and an additional 34 percent were ages twenty-one to thirty; all other individuals composed fewer than 40 percent of offenders. As seen in figure 3, this trend holds for all types of crimes. More specifically, 55 percent of offenders committing crimes against persons (such as assault and sex offenses) were ages eleven to thirty. For crimes against property (such as larceny-theft and vandalism) and crimes against society (including drug offenses and weapon law violations), 63 percent and 66 percent of offenders, respectively, were individuals in the eleven-to-thirty age group.

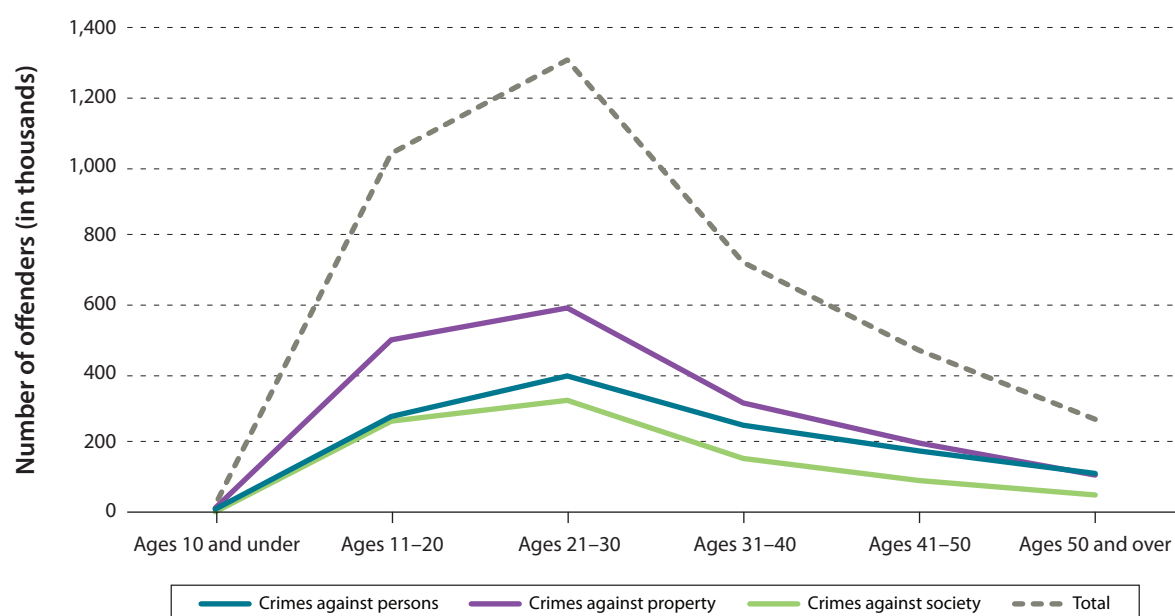
A stark difference in the number of offenders by gender is also evident. Most crimes—whether against persons, property, or society—are committed by men; of criminal offenders with known gender, 72 percent are male. This trend for gender follows for crimes against persons (73 percent), crimes against property (70 percent), and crimes against society (77 percent) (DOJ 2012). Combined, these facts indicate that most offenders in the United States are young men.

Some social scientists explain this age profile of crime by appealing to a biological perspective on criminal behavior, focusing on the impaired decision-making capabilities of the adolescent brain in particular. There are also numerous social theories that emphasize youth susceptibility to societal pressures, namely their concern with identity formation, peer reactions, and establishing their independence (O'Donoghue and Rabin 2001).

FIGURE 3.

Number of Offenders in the United States, by Age and Offense Category, 2012

More than 60 percent of known criminal offenders are under the age of thirty, with individuals ages eleven to twenty constituting roughly 27 percent of offenders, and individuals ages twenty-one to thirty making up an additional 34 percent.



Sources: DOJ 2012; authors' calculations.

Note: The FBI defines crimes against persons as crimes whose victims are always individuals. Crimes against property are those with the goal of obtaining money, property, or some other benefit. Crimes against society are those that represent society's prohibition against engaging in certain types of activity (DOJ 2011). Offender data include characteristics of each offender involved in a crime incident whether or not an arrest was made; offenders with unknown ages are excluded from the analysis. Additionally, incidents with unknown offenders—1,741,162 incidents in 2012—are excluded. For more details, see the technical appendix.

4. Disadvantaged youths engage in riskier criminal behavior.

Youths from low-income families (those with incomes at or below 200 percent of the federal poverty level) are equally likely to commit drug-related offenses than are their higher-income counterparts. As seen in figure 4, low-income youths are just as likely to use marijuana by age sixteen, and to use other drugs or sell drugs by age eighteen. In contrast, low-income youths are more likely to engage in violent and property crimes than are youths from middle- and high-income families. In particular, low-income youths are significantly more likely to attack someone or get into a fight, join a gang, or steal something worth more than \$50. In other words, youths from low-income families are more likely to engage in crimes that involve or affect other people than are youths from higher-income families.

A standard economics explanation for the socioeconomic profile of property crime is that for poor youths the attractiveness of alternatives to crime is low: if employment opportunities are limited for teens living in poor neighborhoods, then property crime becomes relatively more attractive. The heightened likelihood of violent crime among poor youths raises the issue of automatic behaviors—in other words, youths intuitively responding to perceived threats—which has become the focus of recent research in this field. However, the similar rates of drug

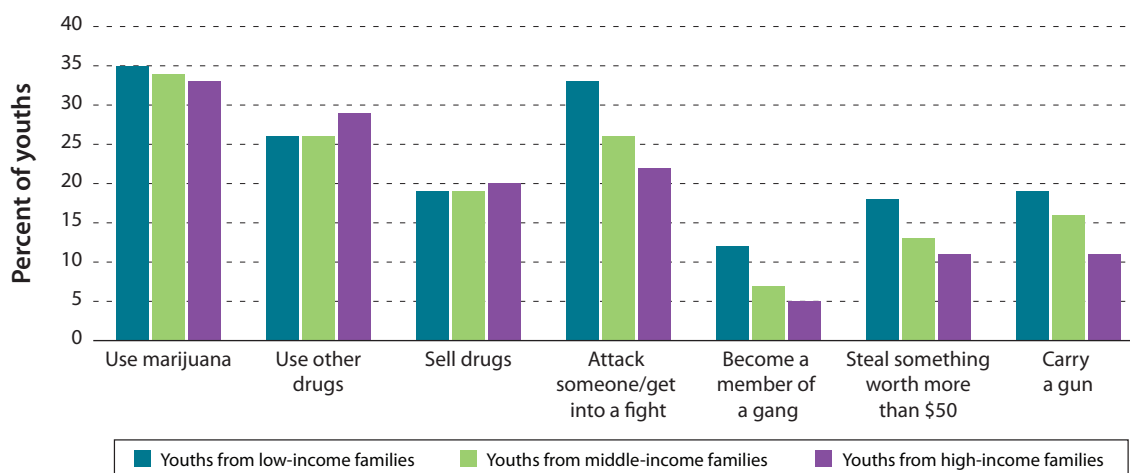
use across teens from different income groups is consistent with a more general model of risky teenage activity associated with the so-called impaired decision-making capabilities of the adolescent brain.

Some intriguing recent academic work has proposed that adverse youth outcomes are often the result of quick errors in judgment and decision-making. In particular, hostile attribution bias—hypervigilance to threat cues and the tendency to overattribute malevolent intent to others—appears to be more common among disadvantaged youths, partly because these youths grow up with a heightened risk of having experienced abuse (Dodge, Bates, and Pettit 1990; Heller et al. 2013). Some experts have consequently begun promoting cognitive behavioral therapy for these youths to help them recognize and rewire the automatic behaviors and biased beliefs that often result in judgment and decision-making errors. Promising results from several experiments in Chicago—in particular, improved schooling outcomes and fewer arrests for violent crimes—suggest that it is possible to change the outcomes of disadvantaged youths simply by helping them recognize when their automatic responses may trigger negative outcomes (Heller et al. 2013).

FIGURE 4.

Adolescent Risk Behaviors by Family Income Level

Although youths from low-income families are as likely to use or sell drugs as are their higher-income counterparts, the former are significantly more likely to engage in criminal activities that target other people.



Source: Kent 2009.

Note: Original data are derived from the 1997 National Longitudinal Survey of Youth. Adolescent risk behaviors are measured up to age eighteen, except for marijuana usage, which is measured up to age sixteen. Low-income families are those whose incomes are at or below 200 percent of the the federal poverty level (FPL). Middle-income families have incomes between 201 and 400 percent of the FPL. High-income families have incomes at or above 401 percent of the FPL.

CHAPTER 2: The Growth of Mass Incarceration in America

The incarceration rate in the United States is now at a historically unprecedented level and is far above the typical rate in other developed countries. As a result, imprisonment has become an inevitable reality for subsets of the American population.

5. Federal and state policies have driven up the incarceration rate over the past thirty years.
6. The U.S. incarceration rate is more than six times that of the typical OECD nation.
7. There is nearly a 70 percent chance that an African American man without a high school diploma will be imprisoned by his mid-thirties.

5. Federal and state policies have driven up the incarceration rate over the past thirty years.

The incarceration rate in the United States—defined as the number of inmates in local jails, state prisons, federal prisons, and privately operated facilities per every 100,000 U.S. residents—increased during the past three decades, from 220 in 1980 to 756 in 2008, before retreating slightly to 710 in 2012 (as seen in figure 5).

The incarceration rate is driven by three factors: crime rates, the number of prison sentences per number of crimes committed, and expected time served in prison among those sentenced (Raphael 2011). Academic evidence suggests that increases in crime cannot explain the growth in the incarceration rate since the 1980s (Raphael and Stoll 2013). However, the likelihood that an arrested offender will be sent to prison, as well as the time prisoners can expect to serve, has increased for all types of crime (Raphael and Stoll 2009, 2013). Given that both the likelihood of going to prison and sentence lengths are heavily influenced by adjudication outcomes and the types of punishment levied, most of the growth in the incarceration rate can be attributed to changes in policy (Raphael and Stoll 2013).

Policymakers at the federal and state levels have created a stricter criminal justice system in the past three decades. For example, state laws and federal laws—such as the Sentencing Reform Act of 1984—established greater structure in sentencing through specified guidelines for each offense. Additionally, between 1975 and 2002,

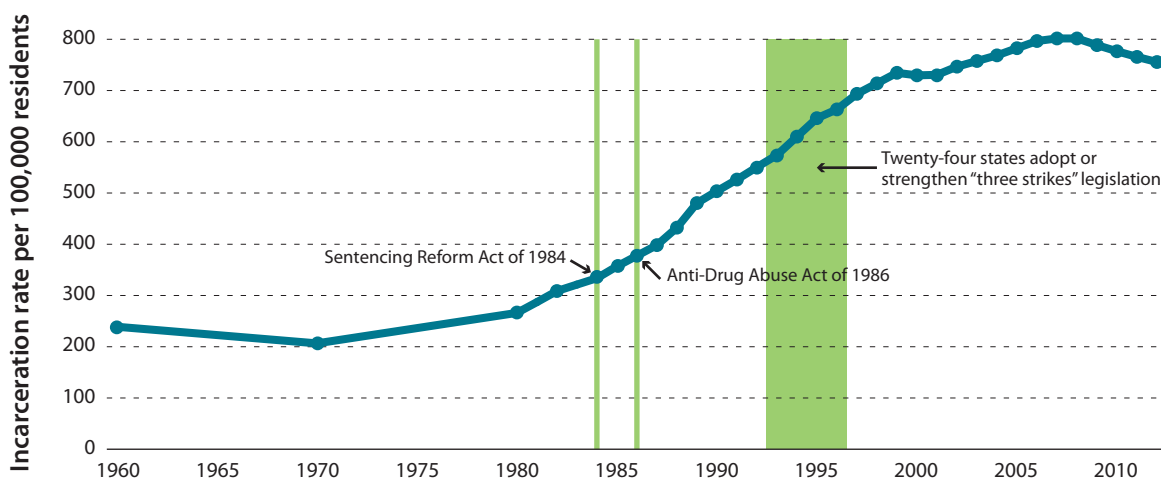
all fifty states adopted some form of mandatory-sentencing law specifying minimum prison sentences for specific offenses. In fact, nearly three quarters of states and the federal government—through laws like the Anti-Drug Abuse Act of 1986—enacted mandatory-sentencing laws for possession or trafficking of illegal drugs. Many states also adopted repeat offender laws, known as “three strikes” laws, which strengthened the sentences of those with prior felony convictions. These policies, among others, are believed to have made the United States tougher on those who commit crime, raising the incarceration rate through increased admissions and longer sentences (Raphael and Stoll 2013).

The continued growth in the federal prison population stands in contrast to recent trends in state prison populations. Between 2008 and 2012, the number of inmates in state correctional facilities decreased by approximately 4 percent (from roughly 1.41 million to 1.35 million), while the number of inmates in federal prisons increased by more than 8 percent (from approximately 201,000 to nearly 218,000) (Carson and Golinelli 2013). This increase in federal imprisonment rates has been driven by increases in immigration-related admissions. Between 2003 and 2011, admissions to federal prisons for immigration-related offenses increased by 83 percent, rising from 13,100 to 23,939 (DOJ n.d.).

FIGURE 5.

Incarceration Rate in the United States, 1960–2012

Federal policies, such as the Sentencing Reform Act, and state policies, such as “three strikes” legislation, were major contributing factors to the 222 percent increase in the incarceration rate between 1980 and 2012.



Sources: Austin et al. 2000; Cahalan 1986; personal communication with E. Ann Carson, Bureau of Justice Statistics, January 24, 2014; Census Bureau 2001; Glaze 2010, 2011; Glaze and Herberman 2013; Raphael and Stoll 2013; Sabol, Couture, and Harrison 2007; Sabol, West, and Cooper 2010; authors' calculations.

Note: Incarceration rate refers to the total number of inmates in custody of local jails, state and federal prisons, and privately operated facilities within that year per 100,000 U.S. residents. The three events highlighted in this figure are examples of the many policy changes that are believed to have influenced the incarceration rate since the 1980s. For more details, see the technical appendix.

6. The U.S. incarceration rate is more than six times that of the typical OECD nation.

The United States is an international outlier when it comes to incarceration rates. In 2012, the incarceration rate in the United States—which includes inmates in the custody of local jails, state or federal prisons, and privately operated facilities—was 710 per 100,000 U.S. residents (Glaze and Herberman 2013). This puts the U.S. incarceration rate at more than five times the typical global rate of 130, and more than twice the incarceration rate of 90 percent of the world's countries (Walmsley 2013).

The U.S. incarceration rate in 2012 was significantly higher than those of its neighbors: Canada's and Mexico's incarceration rates were 118 and 210, respectively. Moreover, the U.S. incarceration rate is more than six times higher than the typical rate of 115 for a nation in the Organisation for Economic Co-Operation and Development (OECD) (Walmsley 2013). As seen in figure 6, in recent years incarceration rates in OECD nations have ranged from 47 to 266; these rates are relatively comparable to the rates seen in the United States prior to the 1980s.

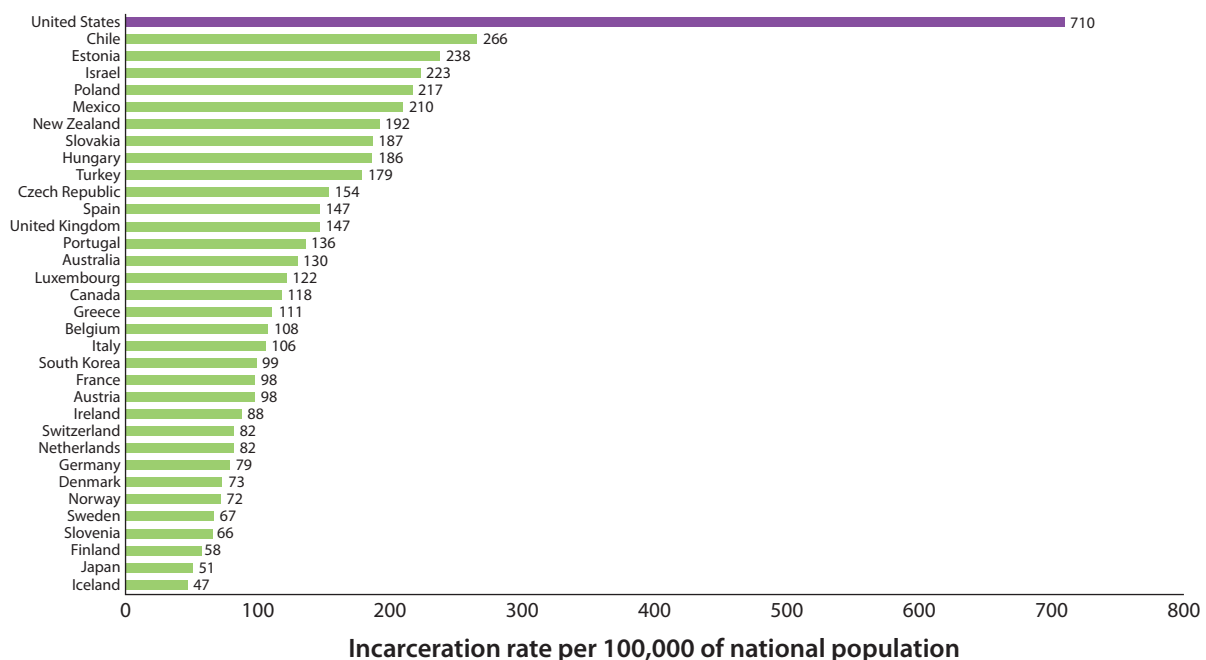
Indeed, mass incarceration appears to be a relatively unique and recent American phenomenon.

A variety of factors can explain the discrepancy in incarceration rates. One important factor is higher crime rates, especially rates of violent crimes: the homicide rate in the United States is approximately four times the typical rate among the nations in figure 6 (United Nations Office on Drugs and Crime 2014). Additionally, drug control policies in the United States—which have largely not been replicated in other Western countries—have prominently contributed to the rising incarcerated population over the past several decades (Donahue, Ewing, and Peloquin 2011). Another important factor is sentencing policy; in particular, the United States imposes much longer prison sentences for drug-related offenses than do many economically similar nations. For example, the average expected time served for drug offenses is twenty-three months in the United States, in contrast to twelve months in England and Wales and seven months in France (Lynch and Pridemore 2011).

FIGURE 6.

Incarceration Rates in OECD Countries

With an incarceration rate of 710 inmates per 100,000 residents, the United States stands in stark contrast to the typical incarceration rate of 115 among OECD nations.



Sources: Glaze and Herberman 2013; Walmsley 2013; authors' calculations.

Note: All incarceration rates are from 2013, with the exception of the rates for Canada, Greece, Israel, the Netherlands, Sweden, Switzerland, and the United States; of these countries, all rates are from 2012, with the exception of Canada, whose rate is from 2011–12. The incarceration rate for the United Kingdom is a weighted average of England and Wales, Northern Ireland, and Scotland. For more details, see the technical appendix.

7. There is nearly a 70 percent chance that an African American man without a high school diploma will be imprisoned by his mid-thirties.

For certain demographic groups, incarceration has become a fact of life. Figure 7 illustrates the cumulative risk of imprisonment for men by race, education, and birth cohort. As described by Pettit and Western (2004), the cumulative risk of imprisonment is the projected lifetime likelihood of serving time for a person born in a specific year. Specifically, each point reflects the percent chance that a man born within a given range of years will have spent time in prison by age thirty to thirty-four. Notably, most men who are ever incarcerated enter prison for the first time before age thirty-five, and so these cumulative risks by age thirty to thirty-four are reflective of lifetime risks.

Men in the first birth cohort, 1945–49, reached their mid-thirties by 1980 just as the incarceration rate began a steady incline. For all education levels within this age group, only an 8-percentage point differential separated white and African American men in terms of imprisonment risk (depicted by the difference between the two solid lines on the far left of figure 7). As the incarceration rate rose, however,

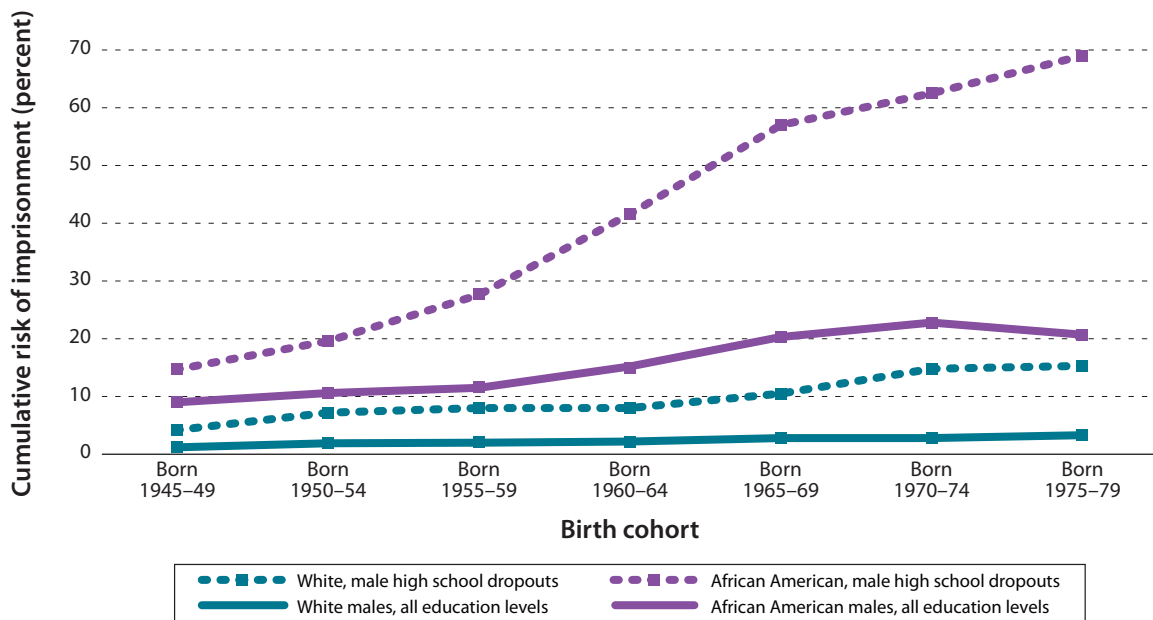
discrepancies between races became more apparent. Men born in the latest birth cohort, 1975–79, reached their mid-thirties around 2010; for this cohort, the difference in cumulative risk of imprisonment between white and African American men is more than double the difference for the first birth cohort (as seen on the far right of figure 7).

These racial disparities become particularly striking when considering men with low educational attainment. Over 53 percentage points distance white and African American male high school dropouts in the latest birth cohort (depicted by the difference between the two dashed lines on the far right of figure 7), with male African American high school dropouts facing a nearly 70 percent cumulative risk of imprisonment. This high risk of imprisonment translates into a higher chance of being in prison than of being employed. For African American men in general, it translates into a higher chance of spending time in prison than of graduating with a four-year college degree (Pettit 2012; Pettit and Western 2004).

FIGURE 7.

Cumulative Risk of Imprisonment by Age 30–34 for Men Born Between 1945–49 and 1975–79, by Race and Education

Among men born between 1975 and 1979, an African American high school dropout has nearly a 70 percent chance of being imprisoned by his mid-thirties.



Source: Western and Wildeman 2009.

Note: Cumulative risk of imprisonment is the projected lifetime likelihood of imprisonment for a person born in a specific range of years. For more details, see the technical appendix.

CHAPTER 3: The Economic and Social Costs of Crime and Incarceration

Today's high rate of incarceration is considerably costly to American taxpayers, with state governments bearing the bulk of the fiscal burden. In addition to these budgetary costs, current incarceration policy generates economic and social costs for both those imprisoned and their families.

8. Per capita expenditures on corrections more than tripled over the past thirty years.
9. By their fourteenth birthday, African American children whose fathers do not have a high school diploma are more likely than not to see their fathers incarcerated.
10. Juvenile incarceration can have lasting impacts on a young person's future.

8. Per capita expenditures on corrections more than tripled over the past thirty years.

In 2010, the United States spent more than \$80 billion on corrections expenditures at the federal, state, and local levels. Corrections expenditures fund the supervision, confinement, and rehabilitation of adults and juveniles convicted of offenses against the law, and the confinement of persons awaiting trial and adjudication (Kyckelhahn 2013). As figure 8 illustrates, total corrections expenditures more than quadrupled over the past twenty years in real terms, from approximately \$17 billion in 1980 to more than \$80 billion in 2010. When including expenditures for police protection and judicial and legal services, the direct costs of crime rise to \$261 billion (Kyckelhahn and Martin 2013).

Most corrections expenditures have historically occurred at the state level and continue to do so. As shown in figure 8, in 2010, more than 57 percent of direct cash outlays for corrections came from state governments, compared to 10 percent from the federal government and nearly 33 percent from local governments. Increased expenditures at every level of government are not surprising given the growth in incarceration, which has far outstripped population growth, leading to a higher rate of incarceration and higher

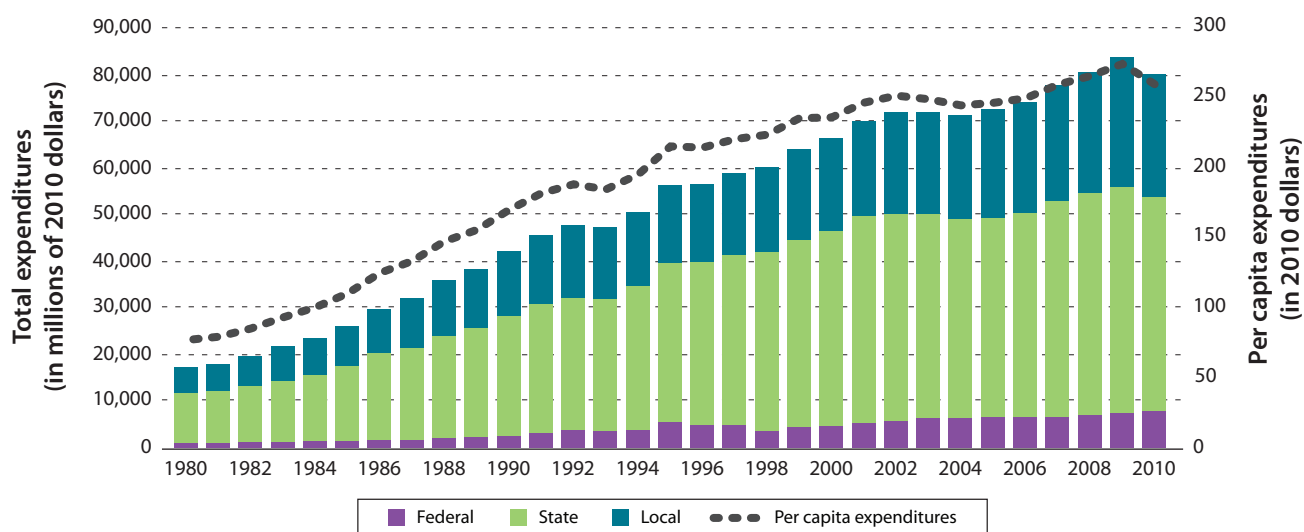
corrections spending per capita (Census Bureau 2001, 2013; Raphael and Stoll 2013). Per capita expenditures on corrections (denoted by the dashed line in figure 8) more than tripled between 1980 and 2010. In real terms, each U.S. resident on average contributed \$260 to corrections expenditures in 2010, which stands in stark contrast to the \$77 each resident contributed in 1980.

Crime-related expenditures generate a significant strain on state and federal budgets, leading some to question whether public funds are best spent incarcerating nonviolent criminals. Preliminary evidence from the recent policy experience in California—in which a substantial number of nonviolent criminals were released from state and federal prisons—suggests that alternatives to incarceration for nonviolent offenders (e.g., electronic monitoring and house arrest) can lead to slightly higher rates of property crime, but have no statistically significant impact on violent crime (Lofstrom and Raphael 2013). These conclusions have led some experts to suggest that public safety priorities could better be achieved by incarcerating fewer nonviolent criminals, combined with spending more on education and policing (*ibid.*).

FIGURE 8.

Total Corrections Expenditures by Level of Government and Per Capita Expenditures, 1980–2010

In real terms, total corrections expenditures today are more than 350 percent higher than they were in 1980, while per capita expenditures increased nearly 250 percent over the same period.



Sources: Bauer 2003a, 2003b; Census Bureau 2001, 2011, 2013; Gifford 2001; Hughes 2006, 2007; Hughes and Perry 2005; Perry 2005, 2008; Kyckelhahn 2012a, 2012b, 2012c; Kyckelhahn and Martin 2013; authors' calculations.

Note: The dollar figures are adjusted to 2010 dollars using the CPI-U-RS (Consumer Price Index Research Series Using Current Methods). Population estimates for each year are taken from the Census Bureau's estimates for July 1 of that year. The figure includes only direct expenditures so as not to double count the value of intergovernmental grants. For more details, see the technical appendix.

9. By their fourteenth birthday, African American children whose fathers do not have a high school diploma are more likely than not to see their fathers incarcerated.

In 2010, approximately 2.7 million children, or over 3 percent of all children in the United States, had a parent in prison (The Pew Charitable Trusts 2010). As of 2007, an estimated 53 percent of prisoners in the United States were parents of children under age eighteen, a majority being fathers (Glaze and Maruschak 2010). Furthermore, it is not the case that these parents were already disengaged from their children's lives. For example, in 2007, approximately half of parents in state prisons were the primary provider of financial support for their children—and nearly half had lived with their children—prior to incarceration (*ibid.*). Furthermore, fathers often are required to pay child support during their incarceration, and since they make little to no money during their incarceration, they often accumulate child support debt.

Figure 9 illustrates the cumulative risk of imprisonment for parents—or the projected lifetime likelihood of serving time for a person born in a specific year—by the time their child turns fourteen, by child's race and their own educational attainment (Wildeman 2009). Regardless of race, fathers are much more likely to be imprisoned

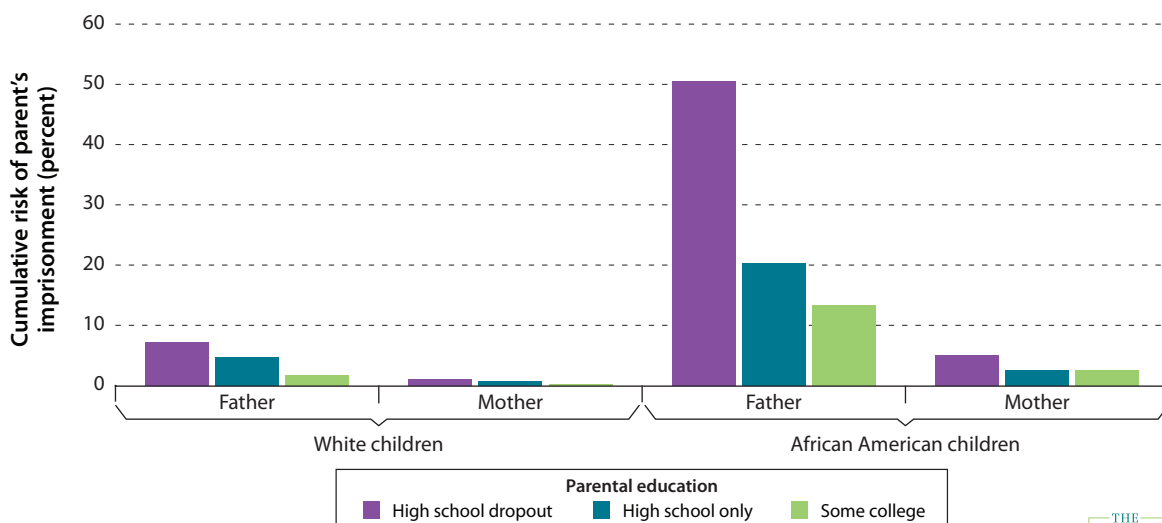
than are mothers. These risks of imprisonment are magnified when parental educational attainment is taken into account; high school dropouts are much more likely to be imprisoned than are individuals with higher levels of education. Fathers who are high school dropouts face a cumulative risk of imprisonment that is approximately four times higher than that of fathers with some college education. An African American child with a father who dropped out of high school has more than a 50 percent chance of seeing that father incarcerated by the time the child reaches age fourteen.

Young children (ages two to six) and school-aged children of incarcerated parents have been shown to have emotional problems and to demonstrate weak academic performance and behavioral problems, respectively. It is unclear, however, the extent to which these problems result from having an incarcerated parent as opposed to stemming from the other risk factors faced by families of incarcerated individuals; incarcerated parents tend to have low levels of education and high rates of poverty, in addition to frequently having issues with drugs, alcohol, and mental illness (Center for Research on Child Wellbeing 2008).

FIGURE 9.

Cumulative Risk of Parent's Imprisonment for Children by Age 14, by Race and Parent's Education

An African American child whose father did not complete high school has a 50 percent chance of seeing his or her father incarcerated by the time the child reaches his or her fourteenth birthday.



Source: Wildeman 2009.

Note: Cumulative risk of imprisonment is the projected lifetime likelihood of a parent's imprisonment by the time his or her child turns fourteen. Children included in the analysis were born in 1990. For more details, see the technical appendix.

10. Juvenile incarceration can have lasting impacts on a young person's future.

After increasing steadily between 1975 and 1999, the rate of youth confinement began declining in 2000, with the decline accelerating in recent years (Annie E. Casey Foundation 2013). In 2011, there were 64,423 detained youths, a rate of roughly 2 out of every 1,000 juveniles ages ten and older (Sickmund et al. 2013). Detained juveniles include those placed in a facility as part of a court-ordered disposition (68 percent); juveniles awaiting a court hearing, adjudication, disposition, or placement elsewhere (31 percent); and juveniles who were voluntarily admitted to a facility in lieu of adjudication as part of a diversion agreement (1 percent) (ibid.).

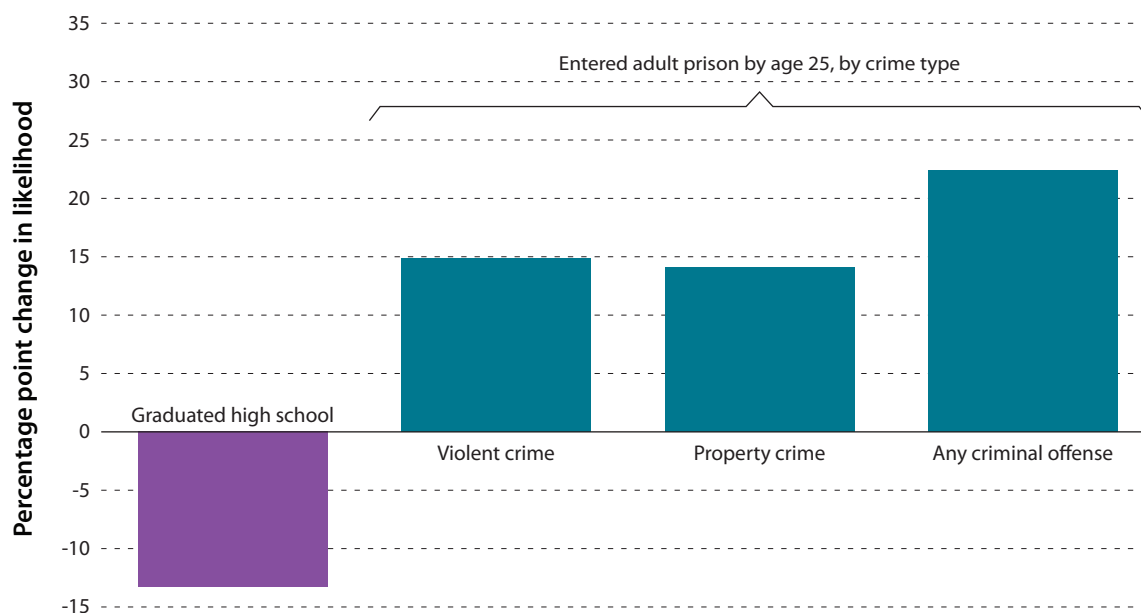
Youths are incarcerated for a variety of crimes. In 2011, 22,964 juveniles (37 percent of juvenile detainees) were detained for a violent offense, and 14,705 (24 percent) were detained for a property offense. More than 70 percent of youth offenders are detained in public facilities, for which the cost is estimated to be approximately \$240 per person each day, or around \$88,000 per person each year (Petteruti, Walsh, and Velazquez 2009).

In addition to these direct costs, juvenile detention is believed to have significant effects on a youth's future since it jeopardizes his or her accumulation of human and social capital during an important developmental stage. Studies have found it difficult to estimate this effect, given that incarcerated juveniles differ across many dimensions from those who are not incarcerated. Aizer and Doyle (2013) overcome this difficulty by using randomly assigned judges to estimate the difference in adult outcomes between youths sent to juvenile detention and youths who were charged with a similar crime, but who were not sent to juvenile detention. The authors find that sending a youth to juvenile detention has a significant negative impact on that youth's adult outcomes. As illustrated in figure 10, juvenile incarceration is estimated to decrease the likelihood of high school graduation by 13 percentage points and increase the likelihood of incarceration as an adult by 22 percentage points. In particular, those who are incarcerated as juveniles are 15 percentage points more likely to be incarcerated as adults for violent crimes or 14 percentage points more likely to be incarcerated as adults for property crimes.

FIGURE 10.

Effect of Juvenile Incarceration on Likelihood of High School Graduation and Adult Imprisonment

Juvenile incarceration reduces the likelihood of high school graduation by more than 13 percentage points, and increases the probability of returning to prison as an adult by over 22 percentage points, as compared to nondetained juvenile offenders.



Source: Aizer and Doyle 2013.

Note: Bars show statistically significant regression estimates of the causal effect of juvenile incarceration on high school completion and on adult recidivism. For more details, see the technical appendix.

Technical Appendix

1. Crime rates have steadily declined over the past twenty-five years.

Figure 1. Crime Rate in the United States, 1960–2012

Sources: DOJ 2010b; authors' calculations.

Note: The U.S. crime rate is the sum of the violent crime rates (i.e., aggravated assault, forcible rape, murder and nonnegligent manslaughter, and robbery) and property crime rates (i.e., burglary, larceny-theft, and motor vehicle theft) from the FBI's Uniform Crime Reporting Program. This program includes crime statistics gathered by the FBI from law enforcement agencies across the United States.

2. Low-income individuals are more likely than higher-income individuals to be victims of crime.

Figure 2. Victimization Rates for Persons Age 12 or Older, by Type of Crime and Annual Family Income, 2008

Sources: DOJ 2010a; authors' calculations.

Note: Victimization data come from the FBI's National Crime Victimization Survey. The victimization rate is defined as the number of individuals who were victims of crime over a six-month period per every 1,000 persons age twelve or older. Persons whose family income level was not ascertained are excluded from this figure. Income brackets are combined using population data for each income range.

3. The majority of criminal offenders are younger than age thirty.

Figure 3. Number of Offenders in the United States, by Age and Offense Category, 2012

Sources: DOJ 2012; authors' calculations.

Note: The FBI defines crimes against persons as crimes whose victims are always individuals (e.g., assault, murder, and rape). Crimes against property are those with the goal of obtaining money, property, or some other benefit (e.g., bribery, burglary, and robbery). Crimes against society are those that represent society's prohibition against engaging in certain types of activity (e.g., drug violations, gambling, and prostitution) (DOJ 2011).

Offender data come from the FBI's National Incident-Based Reporting System. This includes characteristics (e.g., age, sex, and race) of each offender involved in a crime incident

whether or not an arrest was made. The data, which aim to capture any information known to law enforcement concerning the offenders even though they may not have been identified, are reported by law enforcement agencies. An additional 1,741,162 incidents had unknown offenders, meaning there is no known information about the offender. Offenders with unknown ages are excluded from this figure. (This paragraph is based on the authors' email correspondence with the Criminal Justice Information Series at the FBI, March 2014.)

4. Disadvantaged youths engage in riskier criminal behavior.

Figure 4. Adolescent Risk Behaviors by Family Income Level

Source: Kent 2009.

Note: Original data are derived from the 1997 National Longitudinal Survey of Youth, which followed a sample of adolescents in 1997 into young adulthood and recorded their behavior and outcomes through annual interviews. Adolescent risk behaviors are measured up to age eighteen, with the exception of marijuana use, which is measured up to age sixteen. Low-income families are defined as those whose incomes are at or below 200 percent of the federal poverty level (FPL). Middle-income families are defined as those with incomes between 201 and 400 percent of the FPL, and high-income families are defined as those with incomes at or above 401 percent of the FPL.

5. Federal and state policies have driven up the incarceration rate over the past thirty years.

Figure 5. Incarceration Rate in the United States, 1960–2012

Sources: Austin et al. 2000; Cahalan 1986; personal communication with E. Ann Carson, Bureau of Justice Statistics, January 24, 2014; Census Bureau 2001; Glaze 2010, 2011; Glaze and Herberman 2013; Raphael and Stoll 2013; Sabol, Couture, and Harrison 2007; Sabol, West, and Cooper 2010; authors' calculations.

Note: The incarceration rate refers to the total number of inmates in custody of local jails, state or federal prisons, and privately operated facilities within the year per 100,000 U.S. residents. Incarceration rates for 1960 and 1970 come from Cahalan (1986). Incarceration rates for 1980 to 1999 are calculated by dividing the total incarcerated population

(both prison and jail) by the U.S. resident population on January 1 of the following year taken from Census Bureau (2001). Estimates of the total incarcerated population come from personal communication with E. Ann Carson, Bureau of Justice Statistics, January 24, 2014. This quotient is then multiplied by 100,000 in order to get the incarceration rate per 100,000 residents. Incarceration rates for 2000 to 2006 come from Sabol, Couture, and Harrison (2007). The incarceration rate for 2007 comes from Sabol, West, and Cooper (2010). The incarceration rate for 2008 comes from Glaze (2010). Incarceration rates for 2009 and 2010 come from Glaze (2011). Incarceration rates for 2011 and 2012 come from Glaze and Herberman (2013).

Dates for the Sentencing Reform Act of 1984 and the Anti-Drug Abuse Act of 1986 come from Raphael and Stoll (2013). The number of states that adopted or strengthened the “three strikes” legislation between 1993 and 1997 come from Austin and colleagues (2000). The three events highlighted in the figure are examples of the many policy changes that are believed to have influenced the incarceration rate since the 1980s.

6. The U.S. incarceration rate is more than six times that of the typical OECD nation.

Figure 6. Incarceration Rates in OECD Countries

Sources: Glaze and Herberman 2013; Walmsley 2013; authors’ calculations.

Note: The typical Organisation for Economic Co-Operation and Development (OECD) incarceration rate refers to the median incarceration rate among all OECD nations. The incarceration rate for the United States comes from Glaze and Herberman (2013). Data for all other OECD nations come from Walmsley (2013). All incarceration rates are for 2013, with the exception of Canada, Greece, Israel, the Netherlands, Sweden, Switzerland, and the United States. Of these countries, all rates are for 2012, with the exception of Canada, whose rate is from 2011 to 2012. The incarceration rate for the United Kingdom is a weighted average of the prison population rates of England and Wales, Northern Ireland, and Scotland based on their estimated national populations. The incarceration rate for France includes metropolitan France and excludes departments and territories in Africa, the Americas, and Oceania.

7. There is nearly a 70 percent chance that an African American man without a high school diploma will be imprisoned by his mid-thirties.

Figure 7. Cumulative Risk of Imprisonment by Age 30–34 for Men Born Between 1945–49 and 1975–79, by Race and Education

Source: Western and Wildeman 2009.

Note: In this figure, imprisonment is defined as a sentence of twelve months or longer for a felony conviction. The cumulative risk of imprisonment for men is calculated using life table methods, and requires age-specific first-incarceration rates. Though this cumulative risk is technically the likelihood of going to jail or prison by age thirty to thirty-four, these estimates roughly describe lifetime risks because most inmates enter prison for the first time before age thirty-five. For more details, see Pettit and Western (2004).

8. Per capita expenditures on corrections more than tripled over the past thirty years.

Figure 8. Total Corrections Expenditures by Level of Government and Per Capita Expenditures, 1980–2010

Sources: Bauer 2003a, 2003b; Census Bureau 2001, 2011, 2013; Gifford 2001; Hughes 2006, 2007; Hughes and Perry 2005; Perry 2005, 2008; Kyckelhahn 2012a, 2012b, 2012c; Kyckelhahn and Martin 2013; authors’ calculations.

Note: Total corrections expenditures by type of government come from the Department of Justice’s (DOJ’s) annual *Justice Expenditures and Employment Extracts*. Only direct expenditures are included so as to not double count the value of intergovernmental grants. Expenditure figures are adjusted to 2010 dollars using the CPI-U-RS. Estimates of the U.S. resident population are the Census Bureau’s population estimates for July of that year. Per capita expenditures are then calculated by dividing the total corrections expenditures by the resident population in that year.

9. By their fourteenth birthday, African American children whose fathers do not have a high school diploma are more likely than not to see their fathers incarcerated.

Figure 9. Cumulative Risk of Parent's Imprisonment for Children by Age 14, by Race and Parent's Education

Source: Wildeman 2009.

Note: Children included in the figure were born in 1990. The cumulative risk of parental imprisonment for children by the time they turn fourteen is calculated using life table methods, and relies on the number of children experiencing parental imprisonment for the first time at any age. Original analysis was performed using three data sets: the "Surveys of Inmates of State and Federal Correctional Facilities," the year-end counts of prisoners, and the National Corrections Reporting Program. For more details, see Wildeman (2009).

10. Juvenile incarceration can have lasting impacts on a young person's future.

Figure 10. Effect of Juvenile Incarceration on Likelihood of High School Graduation and Adult Imprisonment

Source: Aizer and Doyle 2013.

Note: Bars show statistically significant regression estimates (at the 5 percent significance level) of the causal effect of juvenile incarceration on high school completion and on adult recidivism. The sample includes all juveniles charged with a crime and brought before juvenile court, though not necessarily all were subsequently incarcerated. The analysis includes a vector of community x weapons-offense x year-of-offense fixed effects, uses randomly assigned judges as an instrumental variable, and controls for demographic characteristics as well as for court variables. The regression results for homicide and drug crimes are not included in the figure since they are statistically insignificant at the 5 percent significance level. For more details, see Aizer and Doyle (2013).

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Hamilton Project Papers Related to Crime and Incarceration

- **“A New Approach to Reducing Incarceration While Maintaining Low Rates of Crime”**

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- **“Think Before You Act: A New Approach to Preventing Youth Violence and Dropout”**

Jens Ludwig and Anuj Shah propose a federal government scale-up of behaviorally informed interventions intended to help disadvantaged youths recognize high-stakes situations when their automatic responses may be maladaptive and could lead to trouble.

- **“Thirteen Economic Facts about Social Mobility and the Role of Education”**

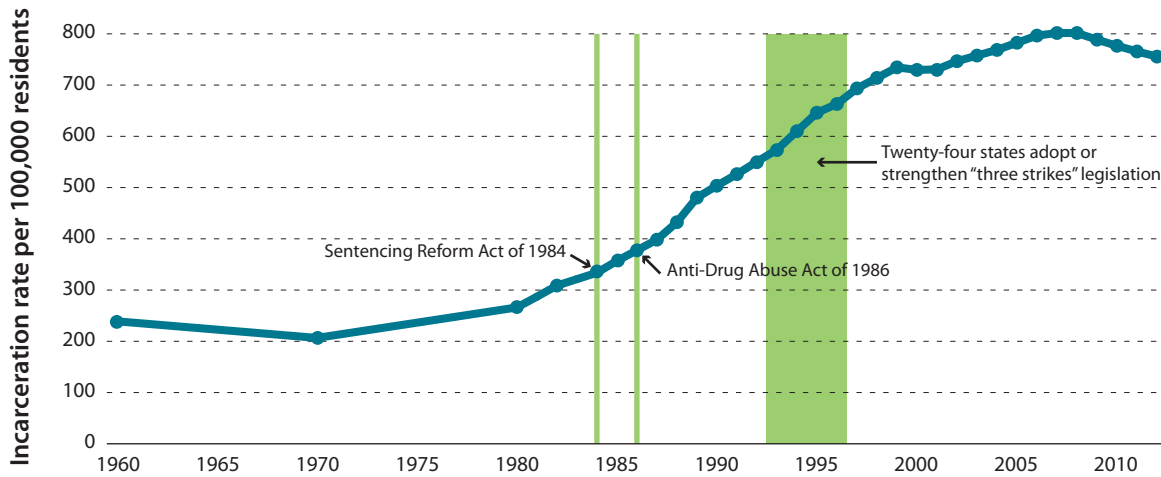
The Hamilton Project examines the relationship between growing income inequality and social mobility in America. The memo explores the growing gap in educational opportunities and outcomes for students based on family income and the great potential of education to increase upward mobility for all Americans.

- **“From Prison to Work: A Proposal for a National Prisoner Reentry Program”**

Bruce Western proposes a national prisoner reentry program whose core element is up to a year of transitional employment available to all parolees in need of work.

Incarceration Rate in the United States, 1960–2012

Federal policies, such as the Sentencing Reform Act, and state policies, such as “three strikes” legislation, were major contributing factors to the 222 percent increase in the incarceration rate between 1980 and 2012.



Sources: Austin et al. 2000; Cahalan 1986; personal communication with E. Ann Carson, Bureau of Justice Statistics, January 24, 2014; Census Bureau 2001; Glaze 2010, 2011; Glaze and Herberman 2013; Raphael and Stoll 2013; Sabol, Couture, and Harrison 2007; Sabol, West, and Cooper 2010; authors' calculations.
 Note: Incarceration rate refers to the total number of inmates in custody of local jails, state and federal prisons, and privately operated facilities within that year per 100,000 U.S. residents. The three events highlighted in this figure are examples of the many policy changes that are believed to have influenced the incarceration rate since the 1980s. For more details, see the technical appendix.

THE
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BROOKINGS

Ten Economic Facts about Crime and Incarceration in the United States

1. Crime rates have steadily declined over the past twenty-five years.
2. Low-income individuals are more likely than higher-income individuals to be victims of crime.
3. The majority of criminal offenders are younger than age thirty.
4. Disadvantaged youths engage in riskier criminal behavior.
5. Federal and state policies have driven up the incarceration rate over the past thirty years.
6. The U.S. incarceration rate is more than six times that of the typical OECD nation.
7. There is nearly a 70 percent chance that an African American man without a high school diploma will be imprisoned by his mid-thirties.
8. Per capita expenditures on corrections more than tripled over the past thirty years.
9. By their fourteenth birthday, African American children whose fathers do not have a high school diploma are more likely than not to see their fathers incarcerated.
10. Juvenile incarceration can have lasting impacts on a young person's future.

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ACTIVISM **JAILS AND PRISONS** **MASS INCARCERATION**

What Is Prison Abolition?

The movement that is trying to think beyond prisons as a tool to solve society's problems.

By John Washington

JULY 31, 2018



Inmates on the Gwinnett County, Georgia, work crew cut grass off Highway 124. (AP Photo / Atlanta Journal-Constitution, Johnny Crawford)

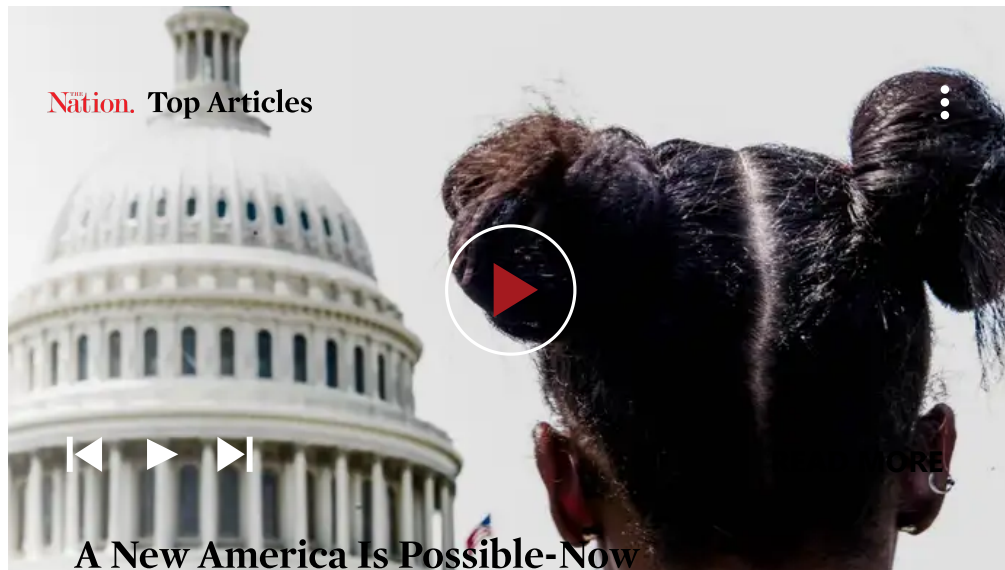
It's difficult to fully capture the negative repercussions of keeping millions of people—overwhelmingly black, brown, or poor—in jail, prison, or under some form of “correctional supervision.” How do you calculate, for example, the impact on families and communities across our country when almost half of all black adult women in America have a

family member locked up? Or that at least 80,000 people are, at any given time, resigned to some form of solitary confinement? Or that the aggregate cost of total incarceration in the United States (including costs borne by the families of those incarcerated, lost wages, and health impacts) is, by some estimates, about \$1 trillion a year? A trillion dollars, the break-up of families, the destruction of lives, and little to show in the way of rehabilitative effects—and yet this system is just *a part of life*?

The long-lasting impact of our incarceration complex is, it seems, receiving increased mainstream attention. The cause of criminal-justice reform has been taken up by everyone from liberal champion Van Jones to the arch-conservative Koch brothers. A Republican-co-sponsored bill that would bring long-overdue changes to conditions inside prisons even passed the House this spring. Inmates staging work strikes and protests, including a major strike being planned for this August, have also brought increased scrutiny to the plight of those consigned to life behind bars. But what if softening the jagged corners of prison life, or even reforming the whole system, is not enough?

For a hundred years, at least since Emma Goldman quoted Dostoyevsky to call prison hell on earth, a variety of community groups and prisoner activists have been working not only to reform the prison-industrial complex, but to dismantle it entirely. Now, as critiques of the inherent racism and classism—and transcendent harm—of our criminal-justice system have gained attention, a growing collection of activists and writers have not only been working to

humanize the cages, and not only to *tear down* the cages, but to build a more equitable society in which we don't need to rely on cages at all. This is the prison-abolition movement.



WHO ARE THE PRISON ABOLITIONISTS?

The prison-abolition movement is a loose collection of people and groups who, in many different ways, are calling for deep, structural reforms to how we handle and even think about crime in our country. There are de facto figureheads (such as Angela Davis and Ruth Wilson Gilmore, the most famous contemporary abolitionists) and organizations (such as Critical Resistance, INCITE!, the Movement for Black Lives, the National Lawyers Guild, and Incarcerated Workers Organizing Committee—all of which, if not explicitly abolitionist, at least engage in abolitionist ethics), and there are converging or at least overlapping political ideologies (anarchist, socialist, libertarian), but there is no structured organizing group or coalition. Masai Ekehosi, a co-founder of Critical Resistance and longtime member of the New Afrikan Independence Movement, pointed me to the overlap between organizations promoting

civil rights and abolitionists: “We want freedom” can just as easily be applied to ending Jim Crow or the New Jim Crow, to unlocking iron shackles or swinging open prison doors.

The “movement” thus operates with affinity groups, with various organizations working in prisoner support, prisoner advocacy, political advocacy, or community education. “And when something big happens,” as Azzurra Crispino, prison labor activist and co-founder of Prison Abolition and Prisoner Support, explained to me, “we all show up as a coalition, and we don’t interfere” with each other’s work.

Abolitionists believe that incarceration, in any form, harms society more than it helps. As Angela Davis argues, prisons are an obsolete institution because they exacerbate societal harms instead of fixing them. “Are we willing to relegate ever larger numbers of people from racially oppressed communities to an isolated existence marked by authoritarian regimes, violence, disease, and technologies of seclusion that produce severe mental instability?” Davis has written. Even if we were to greatly diminish the current prison population, even if we were to cut it in half but keep the prison complex intact, we would still be consigning millions of people to isolation and violence—and that’s a form of inhumanity that abolitionists can’t abide. Moreover, Davis contends, mass imprisonment “reproduce[s] the very conditions that lead people to prison.”

Abolitionists don’t stop at the prison walls, however: They aim to reshape our society as a whole. We are not doing nearly enough to address the root causes of poverty, addiction, homelessness, and mental-health crises, abolitionists contend, and criminalizing poverty through

harsh fines and debt regulation; criminalizing addiction through drug laws; criminalizing homelessness by conducting sweeps of people sleeping in parks; and criminalizing mental illness by turning prisons into de facto psychiatric hospitals is all treating the symptom instead of the disease. This is one of the key differences between reform and abolitionism: The former deals with pain management and the latter with the actual source of the pain.

Abolitionists, therefore, share an idea—a vision—more than a structure: a future in which vital needs like housing, education, and health care, are met, allowing people to live safe and fulfilled lives—without the need for prisons.

THE ABOLITIONIST ROADMAP

The three pillars of abolitionism—or the “Attrition Model” as the Prison Research Education Action Project called it in their 1976 pamphlet, “Instead of Prisons: A Handbook for Abolitionists”—are: moratorium, decarceration, and excarceration.

The first step, *moratorium*, is simple: “Stop building cages,” is how Critical Resistance co-founder Rachel Herzing described it. According to a Congressional Research Service report, “the number of state and federal adult correction facilities rose from 1,277 in 1990 to 1,821 in 2005, a 43% increase.” Five hundred and forty-four new facilities in 15 years works out to about one new prison opening every 10 days. (Since the 1970s, there has been at least a 700 percent increase in the state prison populations.) Though prison

construction has slowed since, new prisons are still being built, and immigration detention has seen yet another construction boom since Trump took office.

Abolitionists have had some success slowing the prison construction boom: Earlier this year in the town of Goshen, Indiana, residents successfully prevented a new private immigration-detention center, to be run by CoreCivic, from being built in their backyard. The basic thinking behind moratorium is that with fewer prison beds, there will be fewer people in prison.

A bit more complicated is the second step—*decarceration*—which involves finding ways to get people out of prison. According to abolitionists, a lot of people in prison right now represent no threat to society, and therefore shouldn't be languishing behind bars. In states that have legalized marijuana, for example, it's particularly cruel to still be keeping people in prison for possessing marijuana. The Drug Policy Alliance estimates that there have been about 350,000 arrests for marijuana in California in the past 10 years (medical marijuana, meanwhile, has been legal in that state for over two decades, and recreational use is now also legal), and a total of 1 million people have reviewable convictions. *The New York Times* also recently reported that, despite what seems like a national relaxation of arrests and convictions for marijuana use, black and Hispanic residents of some parts of New York City are arrested at a rate *15 times higher* than that of white people—for the same “crime.” Other decarceration strategies include creating review processes to reevaluate sentence terms, recognizing that many people are given long stints for petty crimes—especially under many states' three-strikes rules.

Excarceration strategies—the third abolitionist pillar—could potentially be the most transformative for society: These involve finding ways to divert people away from the prison-industrial complex in the first place. According to abolitionists, many of the reasons people end up coming into contact with law enforcement can be solved through more humane means. Decriminalizing mental-health episodes, fighting homelessness, or decriminalizing drug use are three clear ways to keep people from getting pipelined towards prison. And for abolitionists, we don't just stop at decriminalization: Adequately funding mental-health treatment, providing housing for those in need, and offering adequate rehabilitation services for people with substance dependence are all critical. As author Alex Vitale told me, “Housing-first initiatives for homeless people—*that* is police reform.”

SHIFTING THE WAY WE THINK ABOUT “CRIME”

“When we no longer call something a crime, we can define the phenomena differently, and we can respond to [it] differently,” Justin Piché, director of Carceral Studies Research Collective, at the University of Ottawa, told me. If a population stops thinking of vagrancy or sleeping on a park bench as *crimes*, and instead considers them problems with unemployment, inequality, and a paucity of mental-health services, we can stop hailing the cops so much. We need to open up the possibility to react to wrongdoing, injury, difference, and culturally ingrained prejudice without merely seeking to punish or encage someone. “The moment you go to the state,” Crispino told me, “the conflict no longer is your conflict—the state appropriates it.”

“I approach [abolition] as a process,” Vitale said. “Show me a problem and I’ll show you a way to address that problem without policing.” Critical Resistance’s Ehehosi—who served 14 years in a Virginia prison as a political prisoner, in his view—emphasized the need for food co-ops, housing co-ops, and other means of offering people affordable and healthy means to live and survive—with the end goal of building community—so that we can deal with tensions in our own way and don’t need to rely on armed police and incarceration. “When you’re poor, and you don’t know when your next meal is going to come, everything gets a lot harder,” Ehehosi said. “It’s not just about closing down prisons, but the whole complex.”

ALTERNATIVES TO INCARCERATION

But what about those acts of extreme violence—what to do with people who have committed rape or murder? How should such truly harmful transgressions be handled in a post-prison world? According to abolitionists, one solution may be a process called restorative justice.

Through restorative justice, offenders are expected, as Vitale describes, “to fully account for their behaviors in dialogue with the individual and communities affected by their actions.... They must then work with those parties to develop actions to try to repair the damage done as much as possible.” The process is restorative because the goal is to restore the victim, their community, *and* the offender, to how they were before the transgression occurred. As Crispino put it to me, “People who commit violence are hurt by the violence they commit,” and therefore need to be part of any process that seeks to find justice for that violence.

One step further than restorative justice is transformative justice. Crispino defined this concept as asking the offender what in their life has led them to commit the act, and what we all can do to change those conditions. Through either restorative or transformative justice, the systemic analysis takes the place of individual interrogation and punishment.

These processes are hardly new: Abolitionists trace the roots of restorative justice back to a wide variety of indigenous and religious practices such as the Mohawk Nation of Akwesasne band council in Canada, which has established a indigenous people's court according to Mohawk principles. As Bonni Cole, an indigenous prosecutor, explained, "It's not just looking at penalizing... that's old thinking—that's outside thinking." Likewise, the Jewish practice of Teshuva, or atonement, has been linked not only to punishing the offender but also to a holistic reparation of the relationship between offender and victim. Another Canadian indigenous people, the Mnjikaning, avoid the terms "offender" and "victim" altogether, focusing instead on the behavior of the individuals and how it impacts the community.

Restorative justice is being tried out in some schools as well, with districts from Oakland to Denver adopting some restorative practices, which are already showing promise.

Even with instances of egregious abuse, as during Guatemala's long Civil War, restorative justice pushes as much for bringing the offenders to justice—including airing out the crimes through truth-and-reconciliation processes—as for reparations for the victims and their communities. And though the outcome of Guatemalan efforts has been mixed, the restorative-justice model has brought in

traditionally ignored voices (promoting women and indigenous lawyers) and has at least spotlighted decades'-old institutional harms that might otherwise have been overlooked or forgotten in sweep-it-under-the-rug amnesty bills. Guatemala's Commission for Historical Clarification, as well, though slow and with wavering results—such as the nullification of a genocide conviction against the late war criminal Efraín Ríos Montt—has kept the harms of the conflict in the foreground—a key to healing.

It may be hard to imagine a victim of a violent transgression sitting down for a discussion with the perpetrator, but according to Vitale, there are many situations in which the victim or the victim's family has actually been more fulfilled by a restorative process, or feel they have attained greater justice through restorative-justice models. An obvious benefit of the restorative model is that it takes account not just of the singular event, but the structural problems surrounding and leading up to the offense.

MAKING IT HAPPEN

The practice of abolitionism, therefore, is about a lot more than the bars themselves. It's about addressing community tensions, understanding why people turn to the police, and trying to break the self-perpetuating cycle of violence and imprisonment. And yet, with such an idealistic-sounding goal—tearing down prison walls and restructuring society—it can be hard to fathom tangible first steps. Incarceration is so embedded in our society—even in our way of looking at the world—it may seem hard to even broach a conversation on abolition.

Herzing offered an approachable and practical first step: “Be curious.” In an essay for *TruthOut*, Herzing sketched a loose guide to a “police-free future.” The place to start, she suggested, was by being aware of your context, asking yourself, first, what role cops play in your life, and then moving on to who you could rely on in an emergency situation. If you are easily willing to rely on police intervention—ready to grab the phone and call the cops when you’re scared, have been wronged, or merely see a black person taking a nap—you might consider why some people, instead of seeing cops as a source of safety or justice, see them as a threat and a danger. The goal, step by step, is to build a team, a community, a whole network of resources to “increase people’s abilities to prevent, interrupt and repair harm and respond to crisis without law enforcement.”

Another practical step most of the abolitionists I spoke with is joining of a racial/economic-justice movement. The goal, as Vitale put it, is to work toward “building a new political narrative.” And building a new narrative means a lot of educating, sharing, communicating—something not effectively accomplished behind the existential windscreen of a laptop or smartphone.

None of this is going to happen without continuing to change broad cultural attitudes not only toward prisons but also toward people of color and what drives gaping economic inequalities. Notably, Critical Resistance’s “Abolitionist Toolkit” mainly consists of questions, workshop suggestions, and critical-thinking prompts. This seems to go along with the philosophical ethic of abolitionism—it’s not a hierarchical strategy with a single key or solution, but an alternative way of thinking about society. Herzing described

the abolitionist ethic as “slow and steady.” The “Abolitionist Toolkit” explains that “abolitionist steps are about gaining ground in the constant effort to radically transform society. They are about chipping away at oppressive institutions rather than helping them live longer. They are about pushing critical consciousness, gaining more resources, building larger coalitions, and developing more skills for future campaigns. They are about making the ultimate goal of abolition possible.”

“I’m a prison abolitionist for my own liberation,” Crispino told me. What abolitionism comes down to, she added, is the “recognition that no human being is disposable.”

BUILDING A PRISONLESS FUTURE

In the 1960s and ’70s, activists were able to “muse about a prisonless future,” as Justin Piché put it. Today, with over 2 million men, women, and children in cages, that prisonless future may seem like a saccharine utopia. The practical difficulty in envisioning a less repressive future, however, hasn’t stopped abolitionists from working towards it.

Five decades ago, Davis writes, she couldn’t have imagined the prison population increasing nearly 10 times over, “not unless this country plunges into fascism.” Though this is a frightening tacking of stock, given the historically unprecedented boom in incarceration—indeed, at least a 700 percent increase—it’s also a liberating thought: If change is possible in one direction, it might be possible in the other.

It’s revealing to consider periods in history where society seemed particularly blind to the future: periods in which our predecessors engaged in backwards or brutish conduct. In

the mid-19th century, for some Americans abolishing slavery hardly seemed feasible. As late as 1856, as historian Matthew Karp has pointed out, some predicted as many as 100 million people would be enslaved in the United States by 1950. Abolitionists are trying to shake society from this ethical torpor and show us that, like slavery, locking humans in cages need not be inextricably woven into our society.

As Critical Resistance explains in its definition of abolition, “we must build models today that can represent how we want to live in the future.” The abolition of prisons is, in the end, a project of radical optimism and reconstruction. As a society, abolitionists contend—and it’s hard to argue the point—we can do a lot better.

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