

The Collateral Consequences of Mass Incarceration

by

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ABSTRACT

The prison population in the United States has grown consistently for over 35 years, so that now the USA has the largest per capita prison population in the world. The prison growth has concentrated among young men of color, and it is especially concentrated in the communities in which they reside. This concentration has had a range of significant effects on those communities:

- It has weakened labor markets, especially by weakening the earning power of people who cycle through the prison system;
- It has reduced the rate of marriage among African Americans;
- It has been a cause of increased economic strain on families;
- It has damaged the life chances of children of people who go to prison, especially by increasing their risks of involvement in the juvenile justice system, damaging their school prospects, and serving as a risk factor in mental illness;
- It has contributed to problematic health outcomes, including STDs and teen-age births;
- It has served as a source of negative attitudes toward the justice system.

In particular, there is also a range of studies indicating that high incarceration rates, concentrated in impoverished communities, lead to more, not less, crime. In order to combat this problem, a combination of criminal justice system reforms and community-level projects must be implemented.

Incarceration rates in the United States are nearly the highest in the world, and are by far the highest of any Western democratic state. The U.S. locks up over 700 people per 100,000, a rate of incarceration that is one of the truly distinguishing characteristics of the American criminal justice system.

Because incarceration concentrates among certain groups, its affects are not spread evenly across that nation's citizens. African-Americans are over 6 times more likely to be incarcerated than European-descended Americans. More than one-fourth of African-Americans born this year can be expected to be sentenced to prison during their lifetimes. Imprisonment is also a phenomenon applied to younger males with limited economic prospects: typically 90% of those behind bars are men; half have not finished high school, and half under the age of 35.

These ethnic, gender, and age concentrations of incarceration are well known and widely documented, but the resulting spatial concentrations of incarceration have only recently received attention. Because housing is also segregated by some of these same factors, incarceration rates concentrate in places that are poor and African-American. It has been estimated that as many as one-fourth of the adult males in some US neighborhoods are behind bars on any given day.

Thus, as is true for many social indicators, incarceration rates are unequally distributed in society. The question is what impact does this penal inequality have on affected communities?

There are sound theoretical reasons to expect the ripple effects of high levels of incarceration to be both substantial and problematic. Incarceration affects social networks by removing one of the members of a (usually poor) poor family's network.¹ When a loved one goes to prison, a social tie to those who remain behind is always threatened and often damaged. Those who remain behind can choose either to invest personal capital into maintaining that tie, or

¹ About three quarters of minority men who go to prison are fathers, and almost all are a child and/or sibling (Western 2006:137)

they can learn how to live without the support the tie provided in their lives.²

Studies of the impact of incarceration on community-level dynamics

There have been a series of qualitative and quantitative studies of the impact of high levels of incarceration on various community dynamics. Five recent ethnographies offer a qualitative look at the way incarceration affects community life. (See Clear 2007; Braman 2004; LeBlanc 2004; Christian 2004; St. Jean 2006). They study various aspects of incarceration's effects on poor communities in cities as varied as Tallahassee, Florida, and New York. In Tallahassee, for example, every family in two high-incarceration neighborhoods was touched by prison—all reported a family member locked up within the last five years—and they spoke of negative impacts that included stigma, family economics, and self-esteem. In Washington, DC, incarceration was found to break families apart, strain their economic resources, weaken parental involvement with children, lead to emotional and social isolation, and interfere with employment prospects for those who remain behind. A ten-year study of Latinas in The South Bronx documented how cycles of male partners' stays in both prison and jail become crucial events on the lives of young mothers, as they struggle with the way incarceration affects relationships especially with children. Similarly, in Queens, New York, families who had men in upstate prisons bore substantial fiscal and emotional costs to maintain ties to a family member in prison. In Buffalo, the community leaders—"old heads"—say that cycles of incarceration promote pervasive cynicism about the law as being an unfair state intervention into the lives of members of their racial group.

Several quantitative studies investigate the impact of incarceration on community-level

² For those who choose to sustain the tie, there are considerable costs in time, money, and emotional investment. But in general, places where strong ties dominate social networks, and government social services are the main source of social support, removing a strong tie has little impact on the size or shape of a social network (Rengifo and Waring, 2005).

dynamics. By far, the most expansive work is Bruce Western's *Punishment and Inequality in America* (2006). Analyzing national social science databases, he shows how incarceration has become a main engine of inequality of racial inequality. He find that almost 6 in 10 of black males who do not finish high school go to prison during their lifetimes, and that for black males over 23 years old, the likelihood of getting married drops by 50 percent following incarceration. Going to prison reduces annual earnings by about one-third among black males sent to state prison by confining ex-prisoners to bad jobs. Western concludes that incarceration has become a core dynamic that sustains socio-economic inequality between whites and blacks in America through the way it reduces the marriage prospects of marginally-educated black men, decreases their employability, reduces their lifelong earnings, and increases the ubiquity of single-parent families.

His monumental study joins a series of recent papers that investigate mass incarceration concentrated among poor, especially minority males. Here is a brief review of them (See Clear 2007).

Labor markets. While during their initial period of release from incarceration, both men and women are slightly more likely to be employed after imprisonment, these short-term effects rapidly wear off as their participation in the labor market diminishes over time (see LaLonde and George 2003 and Cho and LaLonde 2005 for women; Western, Kling, and Weiman 2001 for men). Being arrested has a short-term, negative impact on earnings (Grogger 1995) and imprisonment has a permanent negative impact on earning potential (Freeman 1992) While there are only small negative effects on earnings of federal convictions (Kling 1999) going to prison reduces annual earnings by about one-third among people sent to state prison (Western 2006: fig. 5.1) Sabol and Lynch (2003) have shown that, as county-level incarceration rates grow, so do unemployment rates for blacks who live in those counties. One estimate (Holzer 2007) holds that increases in incarceration since 1980 have reduced young black male labor force activity by 3-5

percent.

Parents, families and marriage. Perhaps as many as 700,000 U.S. families have a loved one behind bars on any given day (Lynch and Sabol 2004b: 283). Incarceration is one of several dynamics that have removed black males from their neighborhoods, producing a large ratio of adult women to men in places where female-headed, single-parent families are common (Darity and Myers 1994). In a county-level analysis for 1980 and 1990, Sabol and Lynch (2003) found that both removals to and returns from prison increased the rate of female-headed households in the county. Analyzing the National Longitudinal Survey of Youth (NLSY), Harvard economist Adam Thomas (2005) found that going to prison substantially reduces the likelihood of being married, especially for black males over 23 years old, whose likelihood of getting married drops by 50 percent following incarceration. It is thus not surprising that Lynch and Sabol (2004b) have estimated that 66 percent of the ever-married prison population are currently divorced, compared to a rate of 17 percent for non-imprisoned adults (283). Phillips, et al.'s (2006) longitudinal study of poor, rural children in North Carolina found that having a parent get arrested leads to family break-up and family economic strain, both risk factors of later delinquency. Lynch and Sabol (2004b) have estimated that between one-fourth and one-half of all prisoners disrupt a family when they are removed for incarceration. Murray's (2005) review lists a dozen studies of the way incarceration of a male parent/spouse (or partner) affects the functioning of the family unit he left behind, the most prominent of which is the financial hardships, sometimes extreme, that result from the loss of income after the male partner's incarceration and the costs of maintaining ties with the person who has gone to prison. Carlson and Cervera (1992) showed that women connected to men in prison often have to rely on family and friends to fill the hole left by the incarcerated husband, providing money, companionship, and babysitting and generally straining those ties. After the male's imprisonment, families often move, leading to family disruptions that may include the arrival of replacement males in the

family, reduced time for maternal parenting owing to secondary employment, and so on (Edin, Nelson, and Paranal 2004).

Children. Estimates of the number of children with a parent in prison run as high as 2.3 million, or almost 3% of the under-eighteen population (Martone 2005). Rucker (2007) has estimated that 20 percent of black children had a father with an incarceration history; 33 percent of black children with fathers who did not graduate from high school. A recent, systematic review of controlled studies of the way incarceration affects children (Murray and Farrington 2007) describes a dozen studies showing that parental incarceration is a risk factor for later delinquency, and conclude that having a parent incarcerated makes the child between 3 and 4 times more likely to develop a record for juvenile delinquency. The five studies they review about mental health suggest that having an incarcerated parent makes a child 2.5 times more likely to develop a serious mental disorder. Their studies also suggested a link between parental incarceration and school failure, underemployment, and illegal drug use.

Intimate (Sexual) Relations. The incarceration of large numbers of parent-age males restricts the number of male partners available in the neighborhood, putting women at a disadvantage in their search for intimate partners. Citing this dynamic, Thomas and Torrone (2006) found that incarceration rates in one year predicted later increases in rates of gonorrhea, syphilis, and chlamydia among women. They also found that a doubling of incarceration rates increased in the incidence of childbirth by teenage women by 71.61 births per 100,000 teenage women. This latter finding is notable because for mothers, teenage births are more likely to lead to lower wages, underemployment, reliance upon welfare, and single parenthood; for children of mothers who have their first child at a very early age, there is an increased likelihood of that child being arrested for delinquency and violent crime (Pogarsky, Lizotte, and Thornberry 2003). Incarceration which distorts local sex ratios also seems to explain at least part of the higher rate of HIV among Africa-American men and women. (Johnson and Raphael (2005)

Attitudes Toward Authority and the State. Three studies using different methods each suggest that high incarceration rates in impoverished neighborhoods have contributed to various negative attitudes toward law, police, and political institutions. (St. Jean 2006, in a Buffalo ethnography; Crutchfield 2005 in a Seattle community survey; and Tyler and Fagan 2005 in New York survey sample).

Public safety

Incarceration cycling is thought to affect the dynamics of community safety in two ways.³ First, removal of young residents changes the capacity of social networks to resolve problems of people in the neighborhood, weakens attachment to the neighborhood and ties to neighbors, and disrupts home life of families in ways that lead to delinquency.⁴ The second effect occurs in reentry. Poor communities that absorb large numbers of people returning from prison have higher crime, not just because these people commit the crimes, but also because they are needy residents who tie up the limited interpersonal and social resources of their families and networks, weakening their ability to perform other functions of informal social control (see Rose and Clear 1998).

Clear et al (2003) tested these effects by investigating the impact of 1995 incarceration rates on 1996 crime rates in Tallahassee neighborhoods, controlling for neighborhood-level measures of social disorganization (concentrated disadvantage) reentry rates in 1996 and violent crime in 1995. They found that the number of people returning to that neighborhood from prison has a direct effect of increasing the amount of crime. They also found that removing people from the neighborhood to go to prison has a negligible effect on crime at low levels, but, as the

³ There are also incapacitation and deterrence effects of incarceration itself, but these are discussed elsewhere (see Clear 2007).

⁴ For theoretical discussions of the importance of these factors, see Bursik and Grasmick (1993); Sampson, Raudenbush and Earles (1997) and Weatherburn and Lind (2001).

number residents removed gets higher, the effect is to increase crime in the following year. (Clear, Rose, Waring, and Scully 2003: 55). This result in Tallahassee model has been replicated, wholly or in part, in seven later studies.⁵ Taken together, then, there are now repetitive findings from a range of studies that support the idea that high levels of incarceration, concentrated in poor communities, may lead to higher rates of crime.⁶

What can be done about the problem of incarceration for poor communities?

There are two general kinds of responses to the problem of mass incarceration concentrated in poor communities. The first is criminal justice policy reform. The second is to develop a new array of community-level programs.

Criminal justice policy reform. One strategy is to reduce the number of people entering prison by eliminating mandatory sentencing and to reducing technical revocations of probation and parole.

⁵ A decade-long study in Tallahassee (Waring, Scully, and Clear 2005) found results that were virtually identical to the earlier paper, as were models in Cleveland and Baltimore (Bhati, Lynch and Sabol 2005). A study in Portland, Oregon, found this pattern of effects for violent crime, but not for property crime (Renaur, Cunningham and Feyerherm 2006). In Columbus, Ohio, the effect of incarceration on producing higher rates of property crime occurs at the middle level of rates of removing residents from high incarceration neighborhoods (powell et al. 2004). In Chicago, higher rates of female incarceration produced higher levels of neighborhood drug crime (George, LaLonde, and Schuble 2005). A New York City study of incarceration found the same result for incarceration of men (Fagan, West, and Holland 2003).

⁶ There is some dispute about the best way to measure these effects, because of the problem of “simultaneity:” the fact that crime rates “cause” incarceration rates, while at the same time incarceration rates also “cause” crime rates. Indeed, when a different statistical approach to measurement is used, called “instrumentation,” results suggest that higher incarceration rates tend to decrease a neighborhood’s crime rate (Bhati, Lynch, and Sabol 2005; see also Lynch and Sabol 2004b). However, this approach creates its own mathematical problems. For example, when Ralph Taylor and his colleagues (2006) analyzed the impact of adult arrest rates in Philadelphia police districts on later rates of serious juvenile delinquency, between 1994 and 2004, they found that higher rates of adult incarceration predicted higher rates of juvenile lawbreaking in later periods. Since it is not plausible that juvenile delinquency rates “cause” adult incarcerations, the problem of simultaneity is eliminated in this analysis.

Studies show that the main reason for prison growth in the United States in the 1980s was a reduction in the use of probation as a sentence for people convicted of felonies, especially drug crimes. Eliminating mandatory prison terms would have substantial impact on the prison population, much of it felt by having fewer people serve time for drug-related crime. Because many of these felonies are serious enough to warrant some loss of freedom—and often the prison sentence results from the person’s prior felony record—the overall impact for eliminated non-drug mandatory penalties will likely be small (see Clear and Austin, forthcoming).

Similarly, when a person who is under community supervision fails to comply with the requirements set by probation or parole, such as “reporting as directed,” the privilege of community supervision can be revoked with the person sent to prison or jail—even if no new crime is alleged. This is referred to as a “technical revocation” of probation or parole, and at least one-third of prison admissions come by this route.⁷ Prohibiting re-incarceration for technical problems on probation or parole would cut this number substantially.⁸ So if technical revocations are eliminated, the rate of parolees returning to prison will be cut by as much as two-thirds. And because there is no evidence that technical revocations prevent crime, a policy that eliminates them can be pursued with minimal public safety implications.

Community-level programs. A new idea about creating community-based programs to support a reduction in reliance upon incarceration is referred to as Justice Reinvestment. This is a strategy that focuses on places that have the largest number of residents cycling through the prison system, and then “employ place-based strategies to increase the capacity for receiving

⁷ Michael Jacobson, *Downsizing Prisons: How to Reduce Crime and End Mass Incarcerations*. NY: NYU Press (2006)

⁸ Undoubtedly, some of these cases are criminally involved, but officials say that only about 20% of technical violations are being pursued in lieu of criminal processing when a parolee has been rearrested. See Joan Petersilia, *When Prisoners Come Home*, NY: Oxford University Press. (2003).

people returning from prison and for engaging individuals at risk of becoming involved in crime” (see Council of State Governments 2009).

There are two “good news” items in this story. First, the number of areas in our major cities that are negatively affected by high incarceration rates is not large; usually, it is but a handful of places, less than three or four neighborhoods in most large cities. That means that the target of change is not jurisdiction-wide, but much more targeted than that. The small number of affected places opens the possibility for targeted strategies that focus their efforts in those places. Second, there is already a great deal of money being spent on the public safety problem. In 2003, about \$140 billion (Hughes, 2006) was spent on the formal criminal justice system. This money is concentrated, just as incarceration is concentrated. Cadora et al. (2002) showed that there are single blocks in Brooklyn, New York, in which over \$2 million was spent locking up its residents in a single year. Some of that money, say 10%, could be diverted to the places that are now negatively affected by criminal justice in order to change the pattern.

Recently, a few scholars have called attention to the potential benefits of community justice models that are focused on heavily affected communities and divert existing resources in a strategy called “justice reinvestment” (Tucker & Cadora, 2003). These strategies entail a variety of programs that integrate community residents and formerly convicted felons in projects that promote community well-being. Working on these projects operates as a substitute for some portion of the incarceration a person might experience as a result of a felony conviction. The intended result is win-win: the community is improved through targeted efforts, and the effects of incarceration are ameliorated because the projects both replace incarceration and target the negative consequences of incarceration, such as substandard housing, school failure, and economic decay.

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