

**Mass Incarceration: A Review of the Literature on Structural Racism within
the U.S. Criminal Justice System**

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Social Inequality

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Introduction

In the past three decades, imprisonment rates in America have skyrocketed and surpassed all other nations. Such abrupt increases in prison and jail populations have generated policy debates and created discussions on race inequality, as the most consistent demographic continues to be black male inmates. The reality of mass incarceration is clearly evident in the numbers but has become a topic of sociological research due to assertions that the U.S. criminal justice system exercises a form of structural racism (Haney Lopez 2010, Oliver 2008, Simon 2001). In this essay, I will review the literature on how the mass incarceration of black men in the United States affects not only the individual offender but directly contributes to the social problems faced by disadvantaged neighborhoods defined largely by race.

The Numbers

Research suggests that the U.S. criminal justice system encountered a major shift in penal policies during the War on Drugs in 1982. This implementation of harsh laws against the production, distribution and consumption of illegal drugs increased the prison and jail populations to what we see today. The U.S. imprisonment rates are now five times higher than in the 1970s and three to five times higher than in other Western democracies. Forty years ago, roughly 100 per 100,000 adults were incarcerated (Burkhardt 2009, Foster 2009, Western 2007). The current U.S. rates are exponentially higher, with prisons alone holding 500 per 100,000 men and jails increasing to 700 per 100,000 men by 2003 (Burkhardt 2009: 1040, Alexander 2012: 6, Curtin 2011). This equals over 2 million Americans behind bars.

Current literature has suggested that these higher rates were not actually produced by higher crime rates (Clear 2008, Lounsbury 2010, Renauer 2006). From 1980-2007, the prison population increased 373%, probation by 284% and parole by 274% for all demographics. However, the U.S. population increased by a mere 35% and reported index crimes and index arrest rates per 100,000 declined by 16% and 30% respectively (Lucken 2011: 713). What we see instead is increased rates of sentencing and increased lengths of stay. For example, in 1982 the Supreme Court upheld a sentence of forty years imprisonment for possession and attempt to sell nine ounces of marijuana (Hauhart 2011: 558).

Policy Engines

Literature has emphasized that the War on Drugs mobilized four main policy engines that propelled mass incarceration (Lucken 2011, Lynch 2011, Mauer 2011): legislative and other statutory changes to penal codes, federal case law related to litigation on overcrowding, post-sentencing law and policy related to parole, and day-to-day sentencing and punishment practices of local courtrooms. The U.S. now practices the death penalty, trying juveniles as adults, disfranchising ex-felons, incarcerating non-violent first offenders in large numbers and imprisoning people for debt (Curtin 2011: 97, Schlesinger 2011, Spillane 2007). In fact, roughly half of prisoners are serving time for non-violent offenses (Gottschalk 2010). The U.S. also consigns more than 50 per 100,000 to lifetime in prisons, more than any other nation (Lounsbury 2010: 6). The overwhelming number of inmates, however, is not the only result of the War on Drugs in the 1980s; the disproportionate incarceration of minorities to whites sheds light on which demographic is experiencing increased sentencing and changes in penal policies.

Disproportionate Arrests

Sociological research highlights how the harsher drug laws resulted in sentencing disparities, affecting a significantly higher percentage of the black population than the white population (Alexander 2012: 6, Curtin 2011, Pettit 2004, Piquero 2011). The effect of the War on Drugs thus became a continuation of the racial caste system that is evident in America's history and has been given a title of the New Jim Crow by some criminologists and researchers alike (Alexander 2012, Oliver 2008). The Reagan administration did not decide on the implementation of mass incarceration but it emerged as an outcome of policies that penalized crack cocaine users much harsher than powder cocaine users (Garland 2001, Alexander 2012, Hauhart 2011, Schlesinger 2011). Because crack cocaine infiltrated black neighborhoods and powder cocaine circulated white neighborhoods, the increased sentencing targeted certain minority communities.

The Numbers

Nationwide African Americans were sent to prison 13 times more often than other races (Alexander 2012: 6). Several men incarcerated during the 1970s and 80s are still serving their sentences today. In 2004, there were 4 million former prisoners and more than 1.6 million, or roughly 40 percent, were black. In the same year, there had been 11.6 million ex-felons and more than 3.8 million, or roughly 33 percent, were black. In some states, black men have been admitted to prison on drug charges at rates 20-50 times greater than that of white men. However, studies frequently suggest that whites, particularly white youth, are more likely to engage in drug crime than people of color (Alexander 2012: 7). The question thus asked by researchers ponders why black males are still incarcerated at higher rates today.

Policing

Consistent theories in the literature states that the geographical imagination of crime helps facilitate the re-creation of a racialized power structure (Brown 2010, Simon 2001). City officials use policing activities for crime control, including order maintenance, crime-free zones and hot spot policing (Sampson and Loeffler 2010). All of these activities increase police presence in “troubled” neighborhoods which increases the probability of detecting violations of the law (Clear and Austin 2009). “School zone” drug laws have also narrowed certain demographic contact. Because such policies enhance punishments for drug offenses committed near a school building, these penalties are more likely to be employed in the densely populated urban areas where many people of color live than in more dispersed rural or suburban neighborhoods (Mauer 2011). Not only does exposure to neighborhood violence affect children but being victimized as a child increases the chance of adult criminality.

Legislature

Several sociologists also point out in the literature that disproportionate arrests are the result of officials “bending” laws imbedded in the U.S. Constitution. The Fourth Amendment has a de facto “drug exception” which concentrates police presence in low-income areas (Costello 2011, Stemen and Rengifo 2011). This amendment states that law enforcement must have probable cause to stop and question any person. However, pretext stops were favored in the War on Drugs and continue to happen today. A classic pretext stop is a traffic stop motivated not by any desire to enforce traffic laws, but instead motivated by desire to hunt for drugs in the absence of any evidence of illegal drug activity (Alexander 2012: 67). So police officers use an excuse to

search for drugs without proper manifestation. In the case of hot spot policing, most officers are stationed in low-income neighborhoods defined largely by race. This results in the use of minor traffic violation stops for mainly one demographic of people, an apparent explanation for disproportionate arrests.

In the case of *Whren v. United States* (1996), two black males were pulled over for not using a turn signal during a routine patrol in a high drug neighborhood. One man happened to be found with cocaine “in his lap”, allegedly in plain view, and arrested for possession of drugs. They tried alleging claims of a violation of the Fourth Amendment, stating that because of the multitude of applicable traffic regulations, and the difficulty of obeying everything perfect at all times, police will nearly always have an excuse to stop someone and fish for drugs (Alexander 2012: 67). The Supreme Court ruled that it does not matter why the police are stopping motorists under the Fourth Amendment, so long as some kind of traffic violation gives them an excuse. This particular case may be given forbearance by some folks looking for pure structural forms of racism but there are other cases that may be a lot more obvious.

In the case of *Florida v. Bostick* (1991), a bus was searched by two policemen looking for any persons who may be carrying drugs. A twenty-eight year old male passenger was randomly asked to empty his bags, where a pound of cocaine was found. The officers later admitted that at no time prior to the search did they have any basis for suspecting Bostick of criminal activity. When such inquiries are due to race and not valid legal criteria, they lead to improper searches not subjected to judicial review or Fourth Amendment protection (Alexander 2012). Never did the officers inform passengers that they are free to remain silent or to refuse to answer questions. Bostick’s search and seizure reflected what had become an increasingly common tactic in the

War on Drugs. The Supreme Court ruled in this case that the officers' conduct violated the Fourth Amendment. There must be individualized suspicion that they have committed or are committing a crime. However, we know that this has not always upheld in every situation and racial profiling is still being used.

Racial Profiling

The ability for police to do random vehicle searches has sparked several debates about institutionalized racism and racists public perceptions of criminality. The controversial immigration law passed in Arizona was not only the strictest anti-illegal immigration measure in recent U.S. history but also a topic of racial profiling. Scrutinized for its unorthodox methods of finding illegal persons, the law was protested by many arguing that the ability for police to stop and ask anyone for identification meant suspecting the motorist of being a certain race or ethnicity. The media attention that this law gathered proves it to be another example of how the U.S. criminal justice system has used bias for finding and arresting certain people.

State Concern

The disproportionate arrests have become such a concern that some states have tried to do something about it, authorizing legislative analysis to be done prior to the adoption of any sentencing policies that might produce unwarranted disparities. Some states allow death row inmates can challenge their sentence by providing statistical evidence documenting patterns of racial disparity in the imposition of capital punishment (Mauer 2011: 704). Currently, the topic of mass incarceration and disproportionate arrests is seeing the light of day. If indeed imprisonment became commonplace among young disadvantaged and minority men through the

1980s and 1990s, a variety of other social inequalities may have deepened as a result. It is now most important to focus our attention on how prison growth has concentrated in communities and how that growth significantly affects these communities.

Neighborhood Violence

Literature consistently reports on macro-level effects of mass incarceration, particularly the influence on community solidarity. High imprisonment rates may restore informal social control processes through the removal of offenders, such as public safety, but it can also disrupt informal social-control mechanisms and human and social capital (Renauer 2006: 363).

Temporarily incapacitating would-be offenders would ultimately reduce neighborhood stability by removing large numbers of young men from concentrated areas (Wakefield and Uggen 2010: 398).

It is important to note that research shows neighborhood social control is not entirely disrupted by residential mobility of criminals right away. The disorganizing effect of this “coercive mobility” actually occurs after a certain “tipping point” (Renauer 2006). Beyond this tipping point, higher levels of incarceration begin to disrupt familial, economic, and political sources and should be related to neighborhood crime increase. Researchers have discovered that the effect of neighborhood incarceration levels on neighborhood informal social-control processes negatively affects community solidarity, which in turn reduces a neighborhood’s ability to engage in informal social control.

This theory gives some support both for those who argue that high levels of incarceration undermine the ability of neighborhoods to perform their social control functions and for those

who allege that incarceration is beneficial to communities. In a study by Todd Clear (2008), it was found that moderate neighborhood prison admission rates are significantly related to crime decrease, and higher levels of neighborhood incarceration are significantly related to crime increases. The interrelationships between incarceration and indicators of structural disadvantage need further empirical study and policy consideration. It is important to then move onto how incarcerated persons are treated as “social isolates” (Wakefield and Uggen 2010: 397) - as neighbors, as partners, as parents.

Family

Marriage

The objective of many sociologists delving into issues of mass incarceration in the United States is directed toward proving that these rates not only affect the individual offender but result in more vulnerable families and thus contribute to a breakdown of the family in some communities (Massoglia 2011: 857, Western and Wildeman 2009). Imprisonment elevates rates of marital termination and hinders family unity. Women often take up with other men while the fathers are gone (Kruttschnitt 2005). Children in low-income families are much more likely to experience a divorce or a mother and father that never get married if incarceration is in the picture. If these young men with children are not married before incarceration, the substantial stigma of being imprisoned will affect their marriage ability when released. This fact illustrates the dissonance between family statistics defined by race. Whereas 50% of whites are married by the age of 25, only 25% of African American women are married (Wakefield and Uggen 2010: 397). The retreat from marriage, especially among women of color, has often been implicated in

the concentration of poverty in single-mother families. The backbone of the family thus becomes damaged and gravely affects the kids.

Children

The work of Massoglia (2011) and Foster (2009) suggests that children with an incarcerated father have higher levels of internalizing and externalizing behaviors. Roughly 3 million children have an incarcerated parent or one who has recently been released. Of these children, 7.5% are black (Foster 2009). Although the incarceration of a parent can sometimes benefit children, such as a situation in which the parent is victimizing their child, it most often harms them. It may contribute to the loss of an involved parent, increases in aggression and delinquency, decreases in educational attainment, the push of a child into the foster care system (Foster 2009), or the act of subjecting a child to social stigma and isolation. The limited access to their children, particularly for men, disturbs their role in the supervision and socialization of the children. (Pettit 2004, Western and Wildeman 2009). This disrupts the developmental path into adulthood. The best evidence demonstrates a link between paternal incarceration and worsening mental and behavioral health for a child (Foster 2009, Wakefield and Uggen 2010).

The educational process is crucial in understanding longer-term outcomes on children. Higher levels of paternal incarceration limit access to high levels of academic accomplishment (Hagan 2012). Unequal educational attainment for low-income families can be looked at in one way as a result of incarceration rates in those neighborhoods. High school and college completion is negatively associated: one-third of young black male dropouts were in custody in prison or jail on any given day in the early 2000s (Western 2007: 529, Hagan 2012: 260). Among

black male dropouts, the risk of imprisonment had increased to 60 percent, establishing incarceration as a normal stopping point on the route to midlife (Pettit 2004: 164).

Intergenerational consequences then become evident as educational attainment “spills-over” and the cycle continues: like parent, like child (Hagan 2012: 259). The Sentencing Project calculates that one-third of black men will serve time at some point in their lives (Lichtenstein 2011). With the statistics against them, many children with imprisoned parents will become imprisoned in their own time due to the issues they faced growing up with a single parent and the stigma that follows.

The punitive orientation of crime in America has brought the police directly into schools to enforce zero tolerance disciplinary policies and integrate information and control systems, placing youth at increased risk of justice system contact and ultimately incarceration (Hagan 2012). Inner-city schools often patrol entrances, hallways, and exits much like prison guards, creating an invisible “school to prison pipeline” that many children will experience when exposed to such an environment. The combination of this environment in educational settings and at home will only reinforce the lack of positive mobility for these families and future generations.

Women

One scholarly article focused on how women alone are greatly affected by mass incarceration. Lynn Paltrow (2013) points out recent attacks on *Roe vs. Wade* and the efforts to establish separate legal personhood for fertilized eggs, embryos, and fetuses. These efforts are already providing the basis for arrests and forced interventions on pregnant women. If *Roe* is

overturned, women who have abortions will be arrested and sentenced to incarceration (Paltrow 2013: 17). This would result in massive deprivations of pregnant women's liberty and will create a basis for ensuring a permanent underclass for pregnant women. In terms of race, minorities have a higher percentage of pregnancies. If *Roe vs. Wade* becomes affected, this would disproportionately punish black women over white women (Paltrow 2013: 19).

In the post-*Roe* world, however, it is not only women that seek to end pregnancies who must fear the possibility of surveillance and arrest. Approximately one million women in the U.S. each year terminate their pregnancies, close to another million suffer miscarriages and stillbirths, and more than four million women continue their pregnancies to term (Paltrow 2013: 18). Each and every one of these women benefits from the Supreme Court's decision in *Roe vs. Wade*, which not only protects a woman's right to terminate her pregnancy but also, as later cases explained, has been "sensibly relied upon to counter" (Paltrow 2013: 18) attempts to interfere with a woman's decision to become pregnant or to carry her pregnancy to term. As a result, all pregnant women, not just those seeking to end a pregnancy, risk losing their reproductive rights and their liberty.

Health Outcomes

Mass incarceration not only indirectly affects women's health rights but also directly affects the health of those serving time in prison. Health outcomes are strongly influenced by racism, stress and stigma. Just as inmates bring poor work histories and educational deficits into the prison, they also bring substantial health problems and may become less healthy while doing time (Wakefield and Uggen 2010). Literary work by Sara Wakefield and Christopher Uggen

(2010) discusses health problems through statistics. The National Commission on Correctional Health Care (NCCHC) (2002) provides information on the health statuses of soon-to-be-released inmates, with results reporting high rates of infectious diseases and mental illness but lower rates of chronic illnesses, such as diabetes. Interestingly enough, 29% of all Hepatitis C patients in 1996 served time in prison that year (NCCHC).

The strongest effects of incarceration are found with infectious diseases and the majority of inmates will be released back into society. To the extent that prison is a source of infectious disease, the families and neighbors of inmates are at substantial risk. The stronger the social ties to current and former inmates, the more health effects are salient for individuals and communities. Owing to African Americans' greater aggregate prison exposure relative to whites, Massoglia (2011) suggests that imprisonment is strongly implicated in racial disparities in health. The stress of an incarcerated person after reentering society can also greatly affect their well-being. One of the most difficult forms of reentry is employment opportunities. Rising prison rates has consequences for ex-offenders of drug dependence and the stigma of having been incarcerated (Loury 2010). The stigma of a criminal record generates difficulties in gaining a steady income that could ultimately provide better health care for each inmate and their families. This has proven to be a very stressful time for an ex-inmate.

Labor Market

Macro-level

A persistent topic in the literature focuses on the drastic weakening of the labor market since the start of the War on Drugs. It weakens as more and more able-bodied workers are sent to

prisons and jails and then given unfit status after completing their sentences. Mass incarceration removes potential workers, erodes the already shaky job skills of the incarcerated, and stigmatizes the formerly incarcerated (Wakefield and Uggen 2010: 394). Research shows that employers are less likely to hire someone with a criminal record. In fact, employers reported higher levels of willingness to hire other stigmatized groups, such as applicants who were unemployed for one year or more (67 to 68 percent would hire) or welfare recipients (81 to 86 percent would hire) (Burkhardt 2009: 1042). Accompanying the rising rates of imprisonment are higher rates of unemployment for our nation as a whole. U.S. statistics continually become distorted as a vast amount of the population is unaccounted for (Downes 2001).

Individuals

Those who are undereducated and ill-prepared for the labor market are more likely to end up in prison. And these people often had parents who were incarcerated during their childhood. It thus becomes a cycle and damages employment opportunities for individuals in the United States. Once perpetrators begin to leave the prisons to join society again, they continually experience barriers that prevent successful reentry. Offenders are denied admission and licensure to many forms of employment and professional occupations (Pager 2007, Renauer 2006, Western 2007). And even if employment is obtained, the annual earnings of ex-prisoners are about 40% lower than before incarceration, controlling for changes in age, work experience and schooling (Western and Wildeman 2002: 240).

Mass incarceration has laid the foundation for an intractable unemployment problem of people literally barred from employment by formal laws and informal economic norms that

indeed make a criminal record a severe liability for a job seeker (Lichtenstein 2011: 11). White ex-prisoners, however, still experience a higher possibility of finding a job than black ex-prisoners. In the low-wage employment sector, the negative impact of a criminal record is more damaging to black ex-offenders (Burkhardt 2009: 1041, Pager 2007, Thompson 2010). Being identified as black and having a criminal record can leave an applicant with virtually no chance of an interview or hire (Gatson 2008: 434). In other words, there is criminal penalty on top of existing deficiencies in human or social capital.

Experimental Evidence of Race Consequences

In the book entitled *Marked* (2007), an experiment conducted by author Devah Pager reveals the difficulties of finding employment for black job seekers with a criminal record over white job seekers with a criminal record. Matched pairs of individuals were given fictitious resumes with the only differences being their race (black vs. white). Those were distributed without the employers seeing the applicants. Pager found that formerly incarcerated persons are half (for whites) to a third (for blacks) as likely to receive a call back from employers compared to applicants without criminal records (Pager 2007). The rate for call backs is astonishing enough without interpreting the results for racial differences. In what might be the most surprising and important finding in this study, a white applicant with a criminal record was just as likely to receive a call back as a black applicant without a criminal record (17 vs. 14 percent) (Pager 2007).

Pager later discusses several prisoner reentry policy recommendations including “avoiding the mark” by sending fewer drug offenders to prison and “easing the mark” by adding

mechanisms to regulate who has access to criminal records from the public domain after a set period of time has elapsed. Other researchers have offered solutions to the problem of entering the labor market after imprisonment. Specific and focused job training coupled with careful matching of release inmates to appropriate jobs might help produce the positive social outcomes associated with employment in adulthood (Massoglia 2011). A solution like this may create better access to jobs that would embed ex-inmates into larger social and community organizations, which would simultaneously help create a steady reentry and lower chances of re-incarceration. From an economic standpoint, this solution may create stable employment which would likely ease economic hardships on the partners and children of ex-inmates.

Economic Strain

Individual

Much of the literature on the topic of mass incarceration discusses how the channeling of former inmates into the secondary labor market results in few prospects for mobility. In this way, the American penal system has hardened the lines of social disadvantage (Western 2007: 510). Because of high incarceration rates, young black men with few jobs skills were largely left out of the American prosperity seen in the late 1990s. The appearance of economic improvement was thus an artifact of very high rates of incarceration in which the most disadvantaged were not included in the economic accounts of the labor market (Western 2007: 529). Previously discussed, it is clear to see how the lack of employment opportunities for incarcerated persons has tampered with family financial success and kept disadvantaged groups of people from

achieving mobility. But the individual and family economic strain is not the only visible form of financial struggle in the wake of mass incarceration.

Federal and State

Political economy of prison expansion has affected both federal and state budgets exponentially. Some of that money could be diverted to the places that are now negatively affected by criminal justice in order to change the pattern. We have seen massive state expenditures, roughly \$60 billion annually on average, to keep the prisons and jails growing to fit more and more inmates (Lichtenstein 2011: 11). Even single blocks in Brooklyn, NY have spent over \$2 million just on locking up its residents in a single year (Clear 2009: 9). In California, outside of the cost of financing and building penitentiaries, each state prisoner costs \$21,400 per annum, or three times the maximum AFDC benefits paid out to a family of four before the elimination of that program (\$7,229) (Wacquant 2002). The uncontrolled growth of the carceral bill now directly and visibly threatens other core government functions, from education to social services to public health, whose further curtailment is likely to fuel voter discontent to middle classes (Wacquant 2002: 21).

The disproportionate growth of prison budgets and personnel among public administrations has boosted corrections to the rank of third largest employer in the nation with a staff of 650,000 and operational expenses exceeding \$40 billion (Wacquant 2002: 20). The billions being invested in “corrections” are simultaneously resisting correcting violations of clearly established constitutional rights. As a result, too many innocent and wrongly convicted men and women are now locked down in jails and prisons where they should not be (Stevenson

2006). However, most prison costs are fixed and are not easily cut. Researcher Marie Gottschalk (2010) believes only way to substantially reduce spending on corrections is to send fewer people to jail or prison and shut down penal facilities. But more detailed literature has been presented on proposing the diversion of federal and state costs.

Remedies

An article by Loic Wacquant (2002) presents four strategies to curb carceral costs. First, the level of services and living standards can be lowered within penal establishments by limiting or doing away with various ‘privileges’ and amenities granted to their residents, such as educational programs, sports, entertainment, and activities aimed at rehabilitation like job development and counseling. Second, harnessing technological innovation in the realms of electronics, informatics, biometry and medicine, among others, to boost the overall productivity of carceral labor would confine and secure more convicts with fewer staff members. Third, part of the cost of incarceration could be transferred onto the prisoners and their families. The legal costs of extracting payment out of prisoners ended up outweighing the expected benefits of the operation (Wacquant 2002: 25). Lastly, reintroducing deskilled labor inside penal facilities would curb carceral costs.

The four strategies presented by Wacquant (2002) may reduce the carceral bill but only temporarily and they would not alleviate long-term social and economic burden placed on the society by its profoundly disruptive impact on poor individuals, families, and communities. That is why other solutions must be presented and taken into consideration to adjust the institutional landscape of American poverty, racism, and inequality.

Life Chances

Overall Limitations

In conjunction with disadvantages in the labor market and economic sphere, the life chances of offenders are gravely impacted. Ex-inmates may be ineligible for federally-funded health and welfare benefits, food stamps, public housing, and federal educational assistance. There is very limited education for ex-prisoners (Pettit 2004). If education becomes too difficult to obtain, many ex-inmates will enter the labor market working low-skill jobs and continue to stay in a low-income situation for themselves and their family. With this financial status and the inability to acquire food stamps, prisoners reentering society find themselves in a very difficult position. Further rights are not permitted to ex-inmates as well. Offenders may be denied the ability to enlist in the military, to purchase firearm, obtain a federal security clearance and vote. The accumulation of denied citizen privileges mimics the prison environment that these adults just left behind.

Many who find themselves without access to proper societal needs are sent back to prison through back-end sentencing. Life opportunities are scarce for these individuals and prison has become a route to revisit. Parolees who are arrested for new crimes or who violate other conditions of parole supervision can be returned by state parole boards (Lin 2010). The proportion of prison admissions made up of individuals being returned to prison by parole boards rose from 18 percent in 1980 to 24 percent in 2000 (Lin 2010: 761). The sentencing for certain crimes previously committed by parolees sometimes promotes bias for new sentences. Parole board officials try to protect themselves from public judgment by promoting their discretion to

exercise more harshness toward sex offenders and serious or violent offenders, despite what those offenders have done in the case at hand (Lin 2010: 784). So ex-inmates who have served time for their crime will still always experience limited life chances in long-term situations, especially when reencountering the justice system.

Limitations Based On Race

Long-term life chances are less accessible to ex-prisoners, some weighing more heavily on one race over another (Pettit 2004, Simon 2001, Wakefield and Uggen 2010). The lifetime risks of imprisonment roughly doubled from 1979 to 1999, but nearly all of this increased risk was experienced by those with just a high school education. For black men in their mid-thirties at the end of the 1990s, prison records were nearly twice as common as bachelor's degrees (Pettit 2004). It was also more than twice as common as military service. Risks of imprisonment are growing particularly quickly among non-college men and we see a diversion from the usual life path followed by most young American adults.

Several articles suggest that decisions are not made in concert with broader legal and policy shifts but in ways that are more reflective of situational factors. For example, the effects of status characteristics lead to a ratcheting up and down of penalties. The focal concerns perspective suggests that women and whites who violate parole are less often re-incarcerated because they are perceived as less blameworthy and less threatening (Lin 2010: 785). On the other hand, males, blacks and Hispanics are more often re-incarcerated for parole violations because they are more blameworthy and threatening. Parole officials are thus conforming with stereotypes rather than within overarching policy.

More striking than patterns of military enlistment or college graduation, prison time differentiates the young adulthood of black men from the life course of most others. The criminal justice system thus becomes an institutional influence on American social inequality. Convict status inheres now, not in individual offenders, but in the entire demographic categories. In this context, the experience of imprisonment in the United States emerges as a key social division marking a new pattern in the lives of recent birth cohorts of black men (Pettit 2004: 165).

Presented Solutions

Community-level Programs

Criminologists and sociologists alike have presented many solutions to leave mass incarceration and integrate successful release for those who will enter society. With community-level programs, neighborhoods are improved through targeted effects and the effects of incarceration are ameliorated. Justice Reinvestment is a strategy that focuses on places that have the largest number of residents cycling through the prison system. It employs place-based strategies to increase the capacity for receiving people returning from prison and for engaging individuals at risk of becoming involved in crime (Clear 2009, Lynch 2011, Renauer 2006). The good news is that the number of areas in major cities that are negatively affected by high incarceration rates is not large; usually a handful of three or four neighborhoods. This opens the possibility of reaching such families and communities through targeted efforts.

The concentrated money used in these areas for sending criminals to prison could be used for other community necessities. In 2003, about \$140 billion was spent on the formal criminal justice system (Clear 2009: 9). Navigating this money to other areas becomes an important step

in Justice Reinvestment. Community-level programs become a win-win strategy, as the projects both replace incarceration and target the negative consequences of incarceration, such as substandard housing, school failure, and economic decay.

Sentencing Reform

Sentencing and overall criminal justice policy reform is another major solution heavily discussed in the research. Both mandatory terms and sentencing enhancements increase admission rates for black and white men, however, disproportionately increasing black men's admission rates. The effects of these policies are strongest and most consistent during the examination of admissions for violent offenses. The elimination of mandatory sentencing would directly affect the number of people entering prisons. Fewer people would serve time for drug-related crimes. However, the overall impact for eliminated non-drug mandatory penalties will likely be small (Clear and Austin 2009). A more drastic alteration would involve reducing technical revocations of probation and parole (Clear and Austin 2009). Technical revocation is the process of revoking the privilege of community supervision if probation or parole is violated, even if no new crime is alleged. This is the most common route for prison admissions. If eliminated, the rate of parolees returning to prison will be cut by as much as two-thirds.

Reintegration Programs

The successful reintegration of former offenders does not begin at release. Rather, it begins while the offender is still under state control. Widespread shifts in correctional policy that accompanied the prison boom in the 1980s have decreased the correctional emphasis on preparation for life after release (Massoglia 2011: 857, Mauer 2011, Phelps 2011). A shift to new

correctional policies toward reentry would reduce the use of imprisonment for nonviolent first-time offenders with no history of domestic abuse (Massoglia 2011: 857, Sampson and Loeffler 2010). Unfortunately, although a greater institutional commitment toward preparation for release would certainly better prepare individuals for life after prison, the reality is that the time immediately after release is more consequential in determining long-term successful reintegration. Many current post-correctional policies serve to increase the odds of reintegration failures (Massoglia 2011, Phelps 2011) and this must change.

Inequality may also be reduced if resources are reallocated in ways that simultaneously reduce prison populations while improving opportunities for current and former inmates (Clear and Austin 2009, Tita 2009, Wakefield and Uggen 2010). The money allocated to support rehabilitation programs did not follow the prison population swell, which has resulted in less institutional programming for inmates. As a result, returning offenders encounter post-release realities in which programs are underfunded and have few resources available. Some former inmates return home to their families. For others, however, securing stable housing is extremely problematic, and many inmates reside in homeless shelters or on the street. The combination of sentencing reform and correctional policies would cut carceral costs which can be used for rebuilding rehabilitation programs.

Eradicating Recidivism

Public policy could be well served by a closer examination of the relationship between residential mobility and recidivism, or being rearrested. Doing so would involve building bridges with the criminological literature, where it is found that ex-inmates who reside in disadvantaged

neighborhoods are more likely to recidivate (Massoglia 2011, Sampson and Loeffler 2010). Fewer prisoners and less crime can be modified using surveillance techniques together with modest sanctions for parolees and probationers (Loury 2010: 7). Supervision strategies have shifted away from long-standing models of support and assistance toward a greater emphasis on surveillance and control. The result is an increase in technical violations and recommitments. A much smaller “safety net” exists to help inmates navigate through their reentry process and successfully transition back into society (Massoglia 2011). Between 1970 and 2000, a fivefold increase was noted in the number of unconditional releases – without supervision – from prison. Each year, there was virtually no assistance to help 100,000 ex-inmates with employment, family, educational and health deficits (Massoglia 2011: 858).

Conclusion

If we approach incarceration as a problem, we will search for appropriate solutions that will aim to reduce a host of community problems stemming from mass confinement of community residents. If we are successful, we will strengthen individuals and families, reduce delinquency, decrease health problems, gain control of economic expenditure and establish a more vibrant labor market.

Most social movement researchers in the 60s and 70s were focused on understanding movements they could see: predominately white middle-class movements. (Oliver 2008: 18). Those studying the policing of black people were criminologists. They did not draw links to the way this repression affected the capacity for mobilization. (Schoenfeld 2010: 756). Current and future research must continue to focus on the movements within the demographics mostly

affected by mass incarceration. By producing the visualization of structural forms of racism, the general public can further understand what contributes and perpetuates the social problems faced by communities largely defined by race.

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