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The Impacts of Political Policies, Criminality, and Money on the Criminal Justice System in the United States

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8.2 Money, criminology and criminal policies

The impacts of political policies, criminality, and money on the criminal justice in the United States: a review of almost forty years of interactional causal chain reactions.

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Abstract

As Convict Criminologists we draw upon our experiential knowledge as prisoners held within the American criminal justice system. That experience provides us with a substantial immersion within the material conditions of life within prison as politics, criminality, and the impact of money substantially altered the criminal justice system in the USA that surrounded and controlled our lives. Combined, our experience goes back to the 1970s as convicts, then up to the present as academic faculty and researchers. We review what we believe is the best evidence that explains the inter-relationships between policies (political), criminality and money, and their age-old dance with race, class, and ethnicity in the United States. We first provide a general introduction outlining our research, followed by the historical overview of core policy changes that led to the vast expansion of corrections and their social impacts. Then we take a closer look at research examining intersections of race, money, and politics in USA on drug and crime policies. Conclusions follow.

Résumé

En tant que "détenus criminologues", nous nous appuyons sur le savoir issu de notre expérience en tant que prisonniers retenus par le système de justice pénale américain. L'expérience nous aura permis de vivre une immersion dans les conditions matérielles de la détention, tandis que la politique, la criminalité et l'argent modifiaient en profondeur le système répressif des USA qui nous entourait et contrôlait nos vies. En les combinant, nos expériences en tant que détenus remontent aux années 1970 et nous ont conduit à être aujourd'hui des universitaires et des chercheurs. Nous présenterons ce qui à notre sens constitue la preuve la plus nette du lien qui peut exister aux Etats-Unis entre les choix politiques, la criminalité et l'argent, ainsi que de leur danse antédiluvienne avec les questions raciales et ethniques et quant aux classes sociales. Nous présenterons d'abord nos recherches dans une introduction, suivie d'une vue historique des changements politiques centraux qui ont conduit au développement de l'incarcération et son lot de conséquences sociales. Puis, nous porterons un regard plus attentif aux recherches portant sur les liens qui existent aux USA entre, d'une part, races, argent et politique et,

d'autre part, politiques pénales et relatives à la drogue. Nous en tirerons enfin les conclusions.

8.2.1. *Introduction*

Despite almost twenty years of declining crime rates in almost all categories of crime, the United States has continued to increase rates of incarceration of its citizenry and expenditures for criminal justice until it now leads the world in imprisoning its citizenry. This review of the underlying inter-relationships between money, criminal policies, and rates of criminality traces the United States realignment away from social justice and the rehabilitative ideal, to the 'law and order' regime that now dominates American criminal policies. This review traces the rise of the 'law and order' regime in the United States and the unprecedented expansion of criminal justice budgets, prisons, as policies of mass incarceration arose and became disconnected from actual rates of criminality. The current incapacitation and deterrence model of social control is the end product of decades of partisan 'law and order' politics exploiting the American legacy of racial-economic divisions for political gain (wedge politics), which has had at best a very modest impact on crime rates relative to its extraordinary financial costs, increasing negative impacts on minorities, while it drains the state's financial capacity to provide essential services for its citizenry.

This chapter will examine the historical/political policy changes in criminal justice in the United States (US) that led to the replacement of the rehabilitative model with the mass incarceration: incapacitation model of social. These political policy changes, not crime rates, help one to see how and why the US has become the new global leader in incarceration. Money, criminality, and policies became more intertwined as the numbers of prisons, jails, probation and parole, and mandatory treatment programmes grew into what has now become known as the prison industrial complex, a large sector of our political economy, whose growth became decoupled from crime rates. We first review the policy developments that brought about these changes and a view of their social impacts. We then review why and how the war on drugs, race, and electoral politics came to be a central feature of US expenditures and policies fuelled the most of the prison growth. Last we examine the hidden social cost of mass incarceration to communities, families, and required social services, such as schools.

8.2.2. *Overview of the historical policy developments underlying the growth of incarceration rates in the United States (US) and social impacts*

Prior to 1972 incarceration rates in the United States had remained relatively stable for 50 years, about 160 per 100,000, including local jail populations. This figure was two to three times incarceration rates in Canada and Western Europe (Mauer 2006). Since then there has been a six-fold increase in the number of Americans behind bars to 2.3 million (Sabol and Couture 2008) this is excluding another 5 million Americans on probation or parole.

By 2009 seven million Americans were under some form of correctional restraint or supervision. This breaks down to one in 31 American adults under

correctional control. These figures when examined more closely show their disproportionate impact on minority populations: one in 27 Hispanics, one in 11 Blacks is now under correctional control (Pew Center, 2009). At current trends, looking at futures of minority preschool children in the United States: one in three male Black preschool children and one in six Latino male preschool children will be imprisoned in their lifetime. (Mauer 2009, Pettit 2004, Bonczar 2003). Studies have established that the steep rise of American incarceration rates has no significant relationship with criminal activity rates. The evidence points to the partisan politics of elections and the American legacy of overlapping racial-economic cleavages as the predominant factors in the United States becoming the world's leading carceral nation (Gottschalk, 2006, Jacobs and Helms, 1996, Smith, 2004, Tonry, 1999, Soss et al., 2008, Jacobs and Helms, 1999, Jacobs and Kleban, 2003, Clear, 2007, Fording, 2001, Pettit and Western, 2004, Uggen and Manza, 2002, Western and Beckett, 1999, Western and Pettit, 2005, Yates and Fording, 2005, Irwin, 2005, Austin, 2001).

The six-fold increase in imprisonment under the deterrence and incapacitation model of social control has not reduced either cost or crime as promised. The premise of the incapacitation model of crime control is very simple; while offenders are incarcerated they cannot be engaging in criminal activity outside of prison, thus society is spared these potential crimes. Todd Clear (2007) provides an in-depth overview of the few studies that were historically used to support the political adoption of the incapacitation model into US law and policies. Clear points out their significantly flawed methodologies and examines the weight of evidence on their prediction of producing large cost savings to the state while simultaneously greatly reducing crime. Now state prison expenditures often exceed state expenditures on education. For a 600% increase in incarceration current research shows that the overall results have been, at best, responsible for a modest reduction of crime, while there is a growing body of research showing negative impacts upon communities and increases in crime.

Examination of the underlying causes of the near-tripling of the prison population just from 1980-96 it was found crime itself explained only 12% of the prison rise, while changes in sentencing policy accounted for 88% of the increase (Blumstein and Beck, 1999). Studies examining the impact of mass incarceration policies on crime rates, one earlier study estimated that about one fourth of the 1990s' crime drop was due to incarceration growth (Spelman, 2000). More recent revisiting of this US national data with additional control variables, found a much more modest impact, a 7% reduction in crime rates due to mass incarceration of offenders (Western, 2005). Other studies and reviews have shown mass incarceration policies can reach a tipping point and start increasing crime rates and seriously degrade, not improve communities (Clear, 2007).

Further the racial disparity in imprisonment in the United States increased dramatically with the mass incarceration model of social control (Clear, 2007). By the mid 1990's blacks were eight times more likely to be incarcerated than whites. Among the uneducated poor the differences are most striking. Of the

cohort of white males born in the late 1960's, one out of nine were high school dropouts and one in 25 high school graduates went to prison. Of the cohort of black males born in the late 1960's a staggering 60% of black high school were dropouts and one in five high school graduates were incarcerated by their early 30's (Pettit and Western 2004).

In 1979 Blumstein concluded that 80% of the racial incarceration disparity could be explained by higher crime rates for Black males. By 2004 Tonry found that only 61% of the disparity in incarceration of white and black males could be explained by higher rates of criminal activity while the remaining almost 40% racial disparity in incarceration is unrelated to crime (see also Mauer, 2009).

This unparalleled increase in the number of citizens under correctional control and associated fiscal expenditures in the United States has created a prison industrial complex of convergent professional, political, and corporate interests. Prison guards and their unions are now often major political players in fighting against reform due to their job interests. In California the correctional officers were major sponsors behind their three strikes law that allows life imprisonment for a third felony, even nonviolent felonies. An ever-growing host of white collar social workers, administrators, and treatment providers have personal and professional interests in supporting the mass incarceration policies that provides for their livelihoods. Small towns desperate for employment across the United States continue to compete for new prisons to be built in their communities and/or fight against any reforms that may lead to closing of prisons. As States and Federal prisons privatize parts of prison operations, such as food service operations, corporate interests in these contracts provide additional funding sources for politicians. Most disturbing of all has been the growth of private prisons (Hogan 2006).

Correctional Corporation of America is the largest private prison business in the United States. It operates 64 prisons holding 75,000 inmates in the United States. The GEO Group is the second largest private prison provider in US. The GEO Group recently gave 145-thousand dollars to the Republican Party of Florida in 2008, and another 130-thousand in 2009. Plans to house 22-hundred inmates in the private prison are now in Florida's current budget negotiations. This has come under federal scrutiny (Ray, 2010). Currently 9% of State and Federal prisoners are held in private prisons, but due to prisons running over capacity, 50% of new prisoners in the last year have been sent to private prisons (Tan, 2009). Studies indicate private prisons do not save government money (but have provided politicians with new re-election contribution streams), while raising serious constitutional and moral issues. In addition private prisons have histories of violence and abuse of inmates (Leighton, 2008, Hart et al., 1997, Ratliff, 1997).

Departments of Corrections have institutional budget interests in keeping prisons at or above their capacities. A department's staff, budgets, and power tend to also grow as their bureaucracies expand. In criminal justice department expansion can also occur by increasing inmate populations through failure. In some states as high as 2/3 of parole revocations are for minor rule violations,

most of which are unrelated to the commission of a criminal offense. Many states invoked stricter parole supervision rules, some requiring mandatory fee payments from parolees for their supervision, sometimes even charging them the cost of any ordered drug tests, even if they are working only part time for minimal wages. Failure to comply with any rule ordered by a parole officer or failed payments to parole officers can result in parole violations. Correctional departments can easily recycle prisoners back to prison through parole rule violations in what has been researched and described as perpetual incarceration machines (Richards and Jones, 1997, Richards et al., 2004). Also prisoners receive no credit on their sentences for time served on parole, even though while on parole they are often kept under strict employment, movement, living, curfew, and other personal restrictions. Recognizing that parole is not freedom, prisoners can end up serving much more time under correctional supervision than they were actually sentenced to.

Statistics and studies tell us much, but they do not provide us with an understanding of how and why such a massive change in social control polices occurred in the United States. The next section addresses some of the more clearly defined and understandable elements related to the rise to the American prison industrial complex.

8.2.3. A brief history of the intersections of race, money, and politics in USA drug and crime polices

In the late 1960's and early 1970's the United States was regrouping in the aftermath of a long period civil unrest: protests, civil strife, riots, and social change due to the civil rights movement and the war in Vietnam. Recognizing and tapping into voters interest in social stability was a factor in elections as was a potential civil rights backlash waiting to be unleashed. Yates and Fording (2005) review a convincing series of studies on how Republican Party and their candidates in the late 1960's and early 1970's courted new constituencies through racially charged code words. Their 'law and order' discourse was purposely devised to directly apply to racial themes without showing explicit racism. Officials from the Nixon administration acknowledged that they intentionally used the 'law and order' issues and rhetoric to seek political support in populations with anti-minority sentiments. In Fording's statistical analysis of political environment he found significant and large impacts for racial sentencing disparities that were associated with Republican Governor, Republican Legislature, and Judicial Conservatism, but he also found variables with offsetting impacts: if a State had a politically significant block of Female Legislatures, or if there was a significant block of Black Elected Officials. A similar comparative study that included Western European Nation States also found that law and order political campaigns were effective if there was a minority threat perception by voters in nations with more decentralized polities (Jacobs and Kleban, 2003).

The Political Response to Black Insurgency used pooled time series analysis to examine relationships between state Aid to Families With Dependent

Children (AFDC) recipient rates, state incarceration rates, and black political violence. Aid to Families with Dependent Children (AFDC) in the United States was established by the Social Security Act of 1935 as a grant program to enable states to provide cash welfare payments for needy children who had been deprived of parental support or care because their father or mother was absent from the home, incapacitated, deceased, or unemployed. He found though there was a significant positive relationship between AFDC rate increases following Black acts of insurgency (riots) during the 1960's when examined two years after. When the analysis was lagged seven years the patterns showed a clear reversal: AFDC recipient rates had been dropping while there began to be a steep increase in black incarceration rates. Study indicated early appeasement by increasing AFDC payments to assist families living in poverty till the civil discord settled down, then these gains were taken back and replaced with social control through criminal policies (Soss et al., 2008, Fording, 2001).

Though the Republican Party developed and successfully used the racially charged 'law and order' political rhetoric and criminal justice policies that flowed from it to pull white middle class and working class voters away from the Democratic Party in the backlash against the civil rights movement, Democratic Party politicians also came to embrace 'get tough on crime' as crime policy become more politicized and populist. For politicians in the United States over the last 30 years, whether local, state or national, being perceived as 'soft' on crime became widely equated with electoral failure on Election Day. This lesson was deeply burned into American political consciousness after the Republican success with the infamous Willie Horton mass media campaign in the 1988 presidential election (Newburn and Jones, 2005).

In May 1988, George Bush, Vice President and future Republican candidate for the Presidency was trailing his Democratic rival, Michael Dukakis, by 54 to 38 in the polls and more than 40 percent of American voters held a negative opinion of Bush (Johnson, 2003). Dukakis opposed the death penalty and was a card-carrying member of the American Civil Liberties Union, while George Bush supported the death penalty and opposed civil rights of criminal defendants and prisoners. The state of Massachusetts where Dukakis was governor had a furlough programme for prisoners, as did most other states and the Federal Bureau of Prisons. While on furlough in Massachusetts a black convicted murderer, William Horton abducted a couple, violently assaulted the man, and raped and stabbed the woman. Political advertisements by George Bush turned the name 'Willie Horton' into a "key symbol in the election; standing in for all fears about crime and, in particular, for white fears of black crime" (Newburn and Jones, 2005):

"In the course of the short advert, Bush's support for the death penalty was contrasted with Dukakis's opposition and his support of a furlough programme which allowed 'first degree murderers to have weekend passes from prison'. A grainy photo of Willie Horton was then shown and the audience is told that 'despite a

life sentence, Horton received ten weekend passes from prison'. The words 'kidnapping', 'stabbing', and 'raping' then appeared on the screen. The ad finished with a photo of Dukakis as the announcer intoned: 'weekend prison passes. Dukakis on crime'. Not long after, the Bush campaign started airing a 'revolving door' ad. Again in black and white, it began with a line of convicts going through a revolving gate and marching towards freedom (and presumably by implication toward the viewer). The caption, '268 Escaped' flashed on the screen and the announcer talked of 'many first degree murderers', thus inviting the 'false inference that 268 murderers jumped furlough to rape and kidnap' (Jamieson, 1992). In the following weeks further PAC ads started to air in which some of Horton's victims spoke of their experiences and their distrust of Dukakis"(Newburn and Jones, 2005).

The political effectiveness of painting Michael Dukakis as soft on crime became apparent in the election results. Dukakis large lead in the polls dissipated as these ads hit the airwaves. George Bush won the Presidential election by a large landslide, winning 40 of 50 States. What little political opposition there had been in opposing the continual adoption of ever-harsher criminal penalties in the United States since the early 1970's was effectively silenced by this electoral outcome.

In the United States white support of harsh sentencing policies is significantly associated with the degree the crime is perceived to be a 'black' crime (Chiricos et al., 2004). A significant number of studies establish the disassociation of criminal justice appropriations with crime rates and supports a political model of social control based on perceived racial threats (Jacobs and Helms, 1999, Jacobs and Helms, 1996, Tonry, 1999, Smith, 2004, Mauer, 2010, King and Wheelock, 2007). The racial threat aspect of public perceptions of crime has become so pervasive and reified in the United States that black males with no criminal record now have a much more difficulty finding employment than white males with a felony conviction (Clear, 2007).

Justin D. Levinson (2008) in his article "Race, Death, and the Complicitous Mind" provides a review of advances in social cognition theory research and their legal implications in racial bias in death penalty prosecutions. Researchers have found that changes in our thinking processes can be triggered by an act, word, or image referencing a biased stereotype. This biased stereotype then influences how we see and process information from that moment forward in a way that replicates the bias implicit within the stereotype, without our consciously being aware of how our thought processes have been influenced. This research helps us understand how and why the utilization of 'law and order' rhetoric and ideology reinforced and exacerbated the United State's legacy of racial bias and inequalities through adoption of ever harsher deterrence and incapacitation criminal policies underlying the mass incarceration model of social control. This has been particularly true in the

political War on Drugs in the United States.

In 1980 there were 40,000 Americans in prison or jails on drug charges. With the ongoing intensification of the War on Drugs since 1980, by 2009 the number had grown to 500,000 Americans in prison or jail on drug charges. In 2005 African Americans represented about 14% of unlawful drug users, yet they represent 34% of those arrested for drug offenses and 53% of those sentenced to prison for drug offenses (Mauer, 2009, Sheldon, 2001). A similar review of drug users, drug charging patterns, and drug incarceration rates published in 1997 also found that African Americans do not disproportionately use or distribute drugs any more than their white counterparts. If white drug users and distributors were incarcerated at similar rates there would have been nearly one million white drug offenders incarcerated (Gross, 1997). Unlawful drug use and sales in the USA is rather evenly distributed across racial divides, "everybody who has studied the issue agrees that white Americans abuse and distribute drugs about as much as blacks"(Gross, 1997).

Historically race and ethnicity played a significant role in the origins and application of drug laws in the USA. In the mid 1800's Chinese immigrants were recruited to work in the gold mines in the American west and to work on completion of building the railroads across the United States. After this work was completed, the many of the Chinese immigrants moved to coastal cities on America's west coast. During the 1870's when the economy stalled and Chinese and white workers began to compete for jobs, anti-Chinese sentiment rose and San Francisco enacted the first anti-narcotic statute outlawing opium dens in 1875, which was followed by a similar California State Statute in 1881. Similarly cannabis (marijuana) was prohibited in California in 1913 along with the myth that marijuana was a strong narcotic that caused violent insanity leading to murder and suicides in Mexican populations (Gieringer, 1999). Racial threat fears also supported anti-cocaine legislation. In 1914 the New York Times ran an article claiming:

"most of the attacks upon white women of the South are the direct result of the 'cocaine-crazed' Negro brain. Negro cocaine fiends are now a known Southern menace. Some southern police departments switched to .38 caliber revolvers, because they thought cocaine made Blacks impervious to .32 caliber bullets" (New York Times, 1914).

In the anti-alcohol and anti-drug or temperance movements in the early 1900's strong anti-immigrant and racial biases were significant factors leading to the passage of The Harrison Narcotics Tax Act in 1914 and the Volstead Act in 1919 which brought the USA its ill fated drug and alcohol prohibitions (Bonnie and Whitehead, 1974, Gusfield, 1986, Musto, 1973, Himmelstein, 1983). Interestingly, opiate addiction in the 1800's and early 1900's was not associated with crime. It was not until after the passage of the Harrison act and the creation of the Narcotics Division in the Treasury Department, and their subsequent banning of physicians and clinics treating opiate addiction through

the prescribing of maintenance dosages, that black markets trafficking heroin arose in the United States, just as the alcohol prohibition gave rise to violent organized crime syndicates in the alcohol black markets under prohibition (Meier, 1994, Abadinsky, 2010).

Today there is a growing recognition that a return to medical opiate maintenance programmes is a viable and promising alternative to prohibitionist policies. Opiate maintenance programmes have been shown to reduce crime, improve the health of addicts, and greatly reduce involvement with black markets for opiates (Blanken et al., 2010, Eugenia Oviedo-Joekes et al., 2009, Uchtenhagen, 2010, Van den Brink, 2009, Lindesmith, 1947). Changes in USA policies are not promising. There is little public, political, or institutional interest in differentiating between the harms caused by prohibitionist criminal policies that create and perpetuate black markets and the violence and corruption they bring, as well as the social and medical harms associated with these unregulated markets, compared to the actual harm caused by a drug itself (Miron and Zwiebel, 1995, Goldstein, 1985, Brumm and Cloninger, 1995). The general trend has been to focus drug law enforcement in poor minority urban communities which then feeds minorities into our prison industrial complex and secures jobs in more conservative rural white communities where most of America's new prisons have been and continue to be built (Holmes and Hughes, 2003).

In 1970 the USA federal budget for drug enforcement was 100 million. As of this year the United States federal drug enforcement expenditures alone have since spent one trillion dollars on our ever-increasing War on Drugs. The 2010 annual federal drug enforcement budget set a new record, 15.1 billion. The global black market for illegal drugs has grown to a now estimated \$320 billion annually. Along the United State's border with Mexico, in Ciudad Juarez alone, 2,600 people were killed last year in drug cartel-related violence (Mendoza, 2010). Despite 40 years of harsh sentencing of drug users and low-level dealers, for example a father or mother with two young children caught with 5 grams of crack cocaine receiving a five-year mandatory federal sentence, little has changed in how white-collar drug financiers are treated. Recently, the Wachovia Bank, a unit of Wells Fargo & Company agreed to forfeit of \$110 million from money laundering of illegal narcotics sales through the bank, plus an additional \$50 million fine in return for a deferred prosecution agreement (Rueters, 2010); see also (Sutherland, 1945).

Arguably, the billions of dollars from illegal drugs markets that are fuelling the current murderous cartel wars in Mexico could not operate without banks assisting in the deposit and transferring of these billions of dollars of profits. Yet, bank officials seldom serve a day in jail. Meanwhile, tens of thousands of parents have gone to prison for five years for a cocaine possession that weighs less than a couple of single serving packets of sugar. This provides an illuminating view of the disparity of scale in both profit and involvement in illegal drug trafficking, and the differences in punishment, dependent upon whether you are a banker or a poor minority.

8.2.4. Hidden costs within policies of mass incarceration: truer cost of imprisonment, impacts on educational funding, family structures and communities

Government budget expenditures for cost of a prison bed do not provide a reasonable accounting of actual cost incurred by society for imprisonment of a person. In 1999 it was found that 55% of State prisoners and 63% of Federal prisoners had a least one child under 18, with 46% having children within their household prior to incarceration (Mumola, 2000). A more accurate cost benefit analysis of imprisonment should weight the value of reduced crime and other potential social benefits gained compared to a fuller accounting of social costs of imprisonment. These cost should include potential for reduced quality of life for prisoner's family and children, prisoner's lost earnings and loss of taxes to the State, incarceration's impact on prisoner's future earnings, foster care for the children of some prisoners, social and emotional/mental impacts to prisoner's children, spouse, and parents, to name just a few of the broader costs born due to imprisonment. Once these are considered, the cost of imprisoning nonviolent offenders quickly tends to far exceed potential benefits to society (Lengyel and Brown, 2009, Lengyel, 2006).

Between 1978 and 1996 it was found that 77% of the growth in our prison population was due to incarceration of nonviolent offenders. In 1998 the United States had over one million nonviolent offenders incarcerated. In a comparative perspective, just the US nonviolent prison population was then three times the total prison population of the European Union, which had 100 million more people than the USA. Taxpayers in the USA spent about 24 billion to incarceration these nonviolent offenders in 1998, that is 50% more than what was spent for social welfare expenditures for 8.5 million poor Americans. Prisons and universities are parts of a state's discretionary budget that serve similar populations, young adults. Between 1987 and 1995 expenditures for prisons increased by 30% while expenditures for universities decreased by 19%, reaching the tipping point in 1995 when university construction funds decreased by \$954 million while prison funding increased by \$926 million. There has been a clear inverse relationship between funding for education of our future generations and prisons (Irwin et al., 1999).

A comparison between two very similar neighbouring states, Wisconsin and Minnesota, shows just how dramatic differing criminal justice policies can have on annual state budgets. Minnesota, unlike Wisconsin resisted adopting broad harsher penalties and prison expansion. Instead they expanded probation population and provided local grants to communities to develop programs to treat and supervise nonviolent offenders in their local communities. Minnesota decided to reserve prison for violent and serious offenders. Minnesota has about the same violent crime rate and property crime rates as Wisconsin, but Minnesota spends about \$700,000,000 less per year on Corrections.

Table 1. 2009 Correctional Expenditures and Statistics: Wisconsin & Minnesota

	Wisconsin	Minnesota
Population	5,600,000	5,200,000
Violent Crime Rate	290.9 per 100,000	288.7 per 100,000
Property Crime Rates	2,756 per 100,000	2,850 per 100,000
Prison Population	23,380	9,406
Parole Population	18,105	5,081
Jail Population	14,304	7,023
Probation Population	50,418	127,627
Corrections Budget	\$1,217,000,000	\$521,000,000

Wisconsin's average cost per year per prisoner is about \$29,000. During the current budget crisis affecting most states in the USA, \$700,000,000 per year is a very sizable savings. At a time when many states are laying off teachers due to budget shortfalls it should be noted that two nonviolent offenders is the equivalent of a qualified elementary or high school teacher, or could provide housing, food, and assist with medical care for a family. While three nonviolent offenders is similar to the cost of a professor, including benefits and retirement. As a nation, we can only wonder where the US would be today if these trillions of dollars spent on prisons, incarceration, and the war on drugs would have been spent on education and rebuilding our crumbling infrastructure.

The law and order orientation has also been adopted in our school systems. Zero tolerance policies, developed as mandatory criminal policies in the war on drugs, have been imported into schools for rule violations. School rules can now carry mandatory expulsion and assignment of children to special schools for delinquent children. The American Psychological Association (APA) reviewed these policies and outcomes and issued a strongly stated report condemning these policies as being ineffective, disproportionately applied to minorities, and run counter to our best knowledge of child development (Force, 2008). Numerous studies indicate these policies have created a racially biased pipeline from our schools to the juvenile justice system, which then often leads to adult incarceration (Robbins, 2005, Richards et al., 2004, Yeakey, 2002, Toby, 2006, Jordan and Freiburger, 2010, White, et al, 2007).

8.2.5. *Conclusion*

As American criminal justice policies became more politicized and racialized after the 1960's they became increasingly retributive, greatly expanding the criminal justice system: more and more prisons, hugely increasing correctional budgets for construction, maintenance, guards, social workers, and parole offers and offices, and so forth. This trend has continued for over 30 years of electoral cycles. Our political policies of retributive and incapacitation models of social control blended into a policy of social control through mass

incarceration. Economy of size began to make it profitable for private corporations to begin lobbying for contracting food services, supplies, armaments, maintenance, security systems, guns, busses, and private prisons. State agencies cannot contribute to state representatives and other officials' campaigns funds. Corporations as well as correctional guards unions can and in the USA the prison industrial complex grew exponentially. In California the state's corrections budget grew from under \$200 million in 1975 to over \$4.3 billion in 1998, a twenty-two-fold increase.

These expensive new prisons, historically unprecedented increases in incarceration rates and correctional expenditures, were exactly opposite of what academic and political propionates projected for policies of incapacitation. More recent research has shown that as criminal justice expenditures grow and incarceration rates raise other social institutions suffer, including schools, families, and communities. A large study of almost 100,000 felony offenders in Florida showed that offenders who were placed in diversion programs which did not officially label offenders as felons, controlling for type of offense and social economic factors, found communities gained through robust lower recidivism rates when they did make their fellow citizens felons. These types of programs that are more attuned to restorative justice or reintegrative shaming orientations create less overall harm to communities and indicate that criminal justice policies may be much more effective if their emphasis is reducing the harms associated with crime (Chiricos et al, 2007) rather creating unnecessary harms through retributive penalties.

8.2.6. References

Austin, J., Bruce, M. A., Carroll, L., McCall, P. L., & Richards, S. C. (2001). *The use of incarceration in the United States: ASC National Policy Committee White Paper*. American Society of Criminology National Policy Committee. *Critical Criminology*, 10, 1: 17-41.

Bonczar, T. 2003,
Prevalence of imprisonment in the USA population, 1974-2001 (NCJ 197976)
Washington, DC: USA Department of Justice, Bureau of Justice Statistics, 2003.
<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=836>
[Accessed May 12, 2010]

A.U. 1914.

Negro Cocaine Fiends, New Southern Menace. *The New York Times*, February 11, 1914. in Abadinsky, H. 2010. *Organized Crime*, Belmont, CA., Wadsworth.

Abadinsky, H. 2010.

Organized Crime, Belmont, CA., Wadsworth.

Blanken, P., van den Brink, W., Hendriks, V. M., Huijsman, I. A., Klous, M. G., Rook, E. J., Wakelin, J. S., Barendrecht, C., Beijnen, J. H. & van Ree, J. M. 2010. 'Heroin-assisted treatment in the Netherlands: History, findings, and international context'. *European Neuropsychopharmacology*, 20, S105-S158.

Blumstein, A. & Beck, A. J. 1999.

'Population Growth in USA Prisons, 1980-1996'. In: Tonry, M. & J. Petersilia (eds.) *Prisons: Crime and Justice- A Review of Research*. Chicago: University of Chicago Press

Bonnie, R. J. & Whitehead, C. H. 1974.

The Marijuana Conviction, Charlottesville, University Press of Virginia.

Brumm, H. J. & Cloninger, D. O. 1995.

'The drug war and the homicide rate: A direct correlation?' *Cato Journal*, 14, 509-517.

Chiricos, T., Barrick K., Bales, W. & Bontrager, S. 2007,

The Labelling of Convicted Felons and its Consequences for Recidivism. *Criminology*, 45: 3, 547- 581.

Chiricos, T., Welch, K. & Gertz, M. 2004.

Racial Typification of Crime and Support for Punitive Measures. *Criminology*, 42, 359-374.

Clear, T. R. 2007.

Imprisoning communities : how mass incarceration makes disadvantaged neighborhoods worse, Oxford ; New York, Oxford University Press.

Eugenia Oviedo-Joekes, P. D., Suzanne Brissette, M. D., David C. Marsh, M. D., Pierre Lauzon, M. D., Daphne Guh, M. S., Aslam Anis, P. D. & Martin T. Schechter, M. D., Ph.D. 2009.

Diacetylmorphine versus Methadone for the Treatment of Opioid Addiction. *The New England Journal of Medicine*, 361, 777-786.

Force, A. P. A. Z. T. T. 2008.

Are Zero Tolerance Policies Effective in the Schools? An Evidentiary Review and Recommendations. *American Psychologist*, 63, 852-862.

Fording, R. C. 2001.

The Political Response to Black Insurgency: A Critical Test of Competing Theories of the State. *The American Political Science Review*, 95, 115-130.

Gieringer, D. H. 1999.

The forgotten origins of cannabis prohibition in California. *Contemporary Drug Problems*, 26.

Goldstein, P. J. 1985.

The Drugs/Violence Nexus: A Tripartite Conceptual Framework. *Journal of Drug Issues* 39, 143-174.

Gottschalk, M. 2006.

The Prison and the Gallows: The Politics of Mass Incarceration in America., New York: Cambridge University Press.

Gross, S. R. 1997.

Crime Politics and Race. *Harvard Journal of Law and Public Policy* 20, 405-415.

Gusfield, J. R. 1986.

Symbolic Crusade Status Politics and the American Temperance Movement. Chicago: University of Illinois Press.

Hart, O., Shleifer, A. & Vishny, R. W. 1997.

The Proper Scope of Government: Theory and an Application to Prisons. *The Quarterly Journal of Economics*, 112, 1127-1161.

Himmelstein, J. L. 1983.

The Strange Career of Marijuana: Politics and Ideology of Drug Control in America, Westport, CT, Greenwood Press.

- Hogan, R. G., & Richards, S. C. (2006).
Private prison problems. *The Journal of Prisoners on Prisons*, 15, 1: 53-64.
- Holmes, T. E. & Hughes, A. 2003.
Incarceration Rates Fuel Economic Crisis. *Black Enterprise*, 34, 22.
- Irwin, J. 2005.
The warehouse prison: Disposal of the new dangerous class, Los Angeles, Roxbury.
- Irwin, J., Schiraldi, V. & Ziedenberg, J. 1999.
America's One Million Nonviolent Prisoners. Washington, DC: Justice Policy Institute.
www.justicepolicy.org/.../99-03_REP_OneMillionNonviolentPrisoners_AC.pdf
[accessed June 2, 2010]
- Jacobs, D. & Helms, R. 1999.
Collective Outbursts, Politics, and Punitive Resources: Toward a Political Sociology of Spending on Social Control. *Social Forces*, 77, 1497-1523.
- Jacobs, D. & Helms, R. E. 1996.
Toward a Political Model of Incarceration: A Time-Series Examination of Multiple Explanations for Prison Admission Rates. *The American Journal of Sociology*, 102, 323-357.
- Jacobs, D. & Kleban, R. 2003.
Political Institutions, Minorities, and Punishment: A Pooled Cross-National Analysis of Imprisonment Rates. *Social Forces*, 82, 725-755.
- Jordan, K. L. & Freiburger, T. L. 2010.
Examining the Impact of Race and Ethnicity on the Sentencing of Juveniles in Adult Court. *Criminal Justice and Policy Review*, 21, 185-201.
- King, R. D. & Wheelock, D. 2007.
Group Threat and Social Control: Race, Perceptions of Minorities and the Desire to Punish. *Social Forces*, 85, 1255-1280.
- Leighton, P. 2008.
Why Private Prisons Don't Save Money: Examining Overhead Costs Through SEC Documents. *Conference Papers - American Society of Criminology*.
- Lengyel, T. E. 2006.
Spreading the Pain: The Social Cost of Incarcerating Parents. Research Report, Healing the Divide. <http://www.convictcriminology.org/downloads.html>
[accessed June 14th, 2010]

Lengyel, T. E. & Brown, M. 2009.
Everyone Pays: A Social Cost Analysis of Incarcerating Parents for Drug Offenses in Hawai'i. Consuelo Foundation Honolulu, HI
<http://www.convictcriminology.org/downloads.html>
[accessed June 14th, 2010]

Lindesmith, A. R. 1947.
Opiate Addiction, Bloomington Indiana, Principia Press

Mauer, M. 2009.
Racial Disparities in the Criminal Justice System. Washington, D.C. The Sentencing Project.
<http://www.sentencingproject.org/template/page.cfm?id=120>
[accessed June 6, 2010]

Mauer, M. 2010.
The Two-Tiered Justice, Race, Class and Crime Policy, New York, Routledge.

Meier, K. J. 1994.
The Politics of Sin, New York, M.E. Sharpe.

Mendoza, M. 2010.
USA drug war has met none of its goals. Associated Press, May 13, 2010 Mexico City.
<http://abcnews.go.com/US/wireStory?id=10637919>
[accessed June 3, 2010]

Miron, J. A. & Zwiebel, J. 1995.
The Economic Case Against Drug Prohibition. *The Journal Of Economic Perspective*, 9, 175-192.

Mumola, C. J. 2000.
Incarcerated Parents and Their Children *In: STATISTICS, U. D. O. J. B. O. J.* (ed.). NCJ 182335. Washington, DC: US Department of Justice.
<http://bjs.ojp.usdoj.gov/index.cfm?ty=gsearch>
[accessed JUNE, 2, 2010]

Musto, D. F. 1973.
The American Disease, New Haven, Yale University Press.

Newburn, T. & Jones, T. 2005.
Symbolic politics and penal populism: The long shadow of Willie Horton. *Crime Media Culture*, 1, 72-87.

Pettit, B. & Western, B. 2004.
Mass Imprisonment and the Life Course: Race and Class Inequality in USA Incarceration. *American Sociological Review*, 69, 151-169.

Ratliff, W. L. 1997.
The Due Process Failure of America's Prison Privatization Statutes. *Seton Hall Legislative Journal*, 21, 371-424.

Ray, W. 2010.
Feds Ask Questions about Prison Deal. Capital News Service (Florida). Apr. 25, 2010.
<http://houston.indymedia.org/news/2010/04/70263.php>
[accessed June 5, 2010]

Richards, S. C. & Jones, R. S. 1997.
Perpetual incarceration machine: Structural impediments to post-prison success. . *The Journal of Contemporary Criminal Justice*, 13, 4-22.

Richards, S. C., Austin, J., & Jones, R. S. (2004).
Thinking about prison release and budget crisis in the blue grass state. *Critical Criminology: An International Journal*, 12, 3: 243-263.

Richards, S. C., Austin, J., & Jones, R. S. (2004).
Kentucky's perpetual prisoner machine: It's about money. *Review of Policy Research*, 21, 1: 93-106.

Richards, S. C. (2009).
A convict perspective on community punishment: Further lessons from the darkness of prison. In J. I. Ross (Ed.), *Cutting the edge: Current perspectives in radical/critical criminology and criminal justice*, 2nd Ed. (pp. 122-144.). Edison, NJ: Transaction.

Robbins, C. G. 2005.
Zero Tolerance and the Politics of Racial Injustice. *The Journal of Negro Education*, 74, 2-17.

Rueters. 2010.
Wachovia and USA Settle a Money Laundering Case *New York Times*, March 17, 2010.
<http://www.nytimes.com/2010/03/18/business/18launder.html>
[accessed March 18, 2010]

Sheldon, S. 2001.
Controlling the Dangerous Classes, Boston, Allyn and Bacon.

- Smith, K. B. 2004.
The Politics of Punishment: Evaluating Political Explanations of Incarceration Rates. *The Journal of Politics*, 66, 925-938.
- Soss, J., Fording, R. C. & Schram, S. F. 2008.
The Color of Devolution: Race, Federalism, and the Politics of Social Control. *American Journal of Political Science*, 52, 536-553.
- Spelman, W. 2000.
The limited importance of prison expansion. In: BLUMSTEIN, A. & WALMAN, J. (eds.) *The Crime Drop in America*. New York: Cambridge University Press.
- Sutherland, E. H. 1945.
Is "White Collar Crime" Crime? . *American Sociological Review*, 10, 132-139.
- Tan, K. 2009.
Private Prisons Companies Have a Lock on the Business. *The Wall Street Journal*, October 25, 2009.
http://online.wsj.com/article/NA_WSJ_PUB:SB125641692049506073.html
[accessed May 14, 2010]
- Toby, S. J. 2006.
Mr. Nigger: The Challenges of Educating Black Males within American Society. *Journal of Black Studies*, 37, 127-155.
- Tonry, M. 1999.
Why Are USA Incarceration Rates So High? *Crime & Delinquency*, 45, 419.
- Uchtenhagen, A. 2010.
Heroin-assisted treatment in Switzerland: a case study in policy change. *Addiction*, 105, 29-37.
- Uggen, C. & Manza, J. 2002.
Democratic Contraction? Political Consequences of Felon Disenfranchisement in the United States. *American Sociological Review*, 67, 777-803.
- Van Den Brink, W. 2009.
Heroin assisted treatment. *BMJ: British Medical Journal*, 339, 1326-1326
- Western, B. 2005.
Punishment and Inequality in America, New York, Russell Sage.
- Western, B. & Beckett, K. 1999.
How Unregulated is the USA Labor Market? The Penal System as a Labor Market Institution. *The American Journal of Sociology*, 104, 1030-1060.

Western, B. & Pettit, B. 2005.
Black-White Wage Inequality, Employment Rates, and Incarceration. *American Journal of Sociology*, 111, 553-578.

White, L. et al. 2007.
Texas' School-to-Prison Pipeline Dropout to Incarceration
The Impact of School Discipline and Zero Tolerance. executive report, Austin:
Texas Appleseed
[http://www.texasappleseed.net/index.php?option=com_content&view=article
&id=21&Itemid=106](http://www.texasappleseed.net/index.php?option=com_content&view=article&id=21&Itemid=106)
[accessed June 29, 2010]

Yates, J. & Fording, R. 2005.
Politics and State Punitiveness in Black and White. *The Journal of Politics*, 67,
1099-1121.

Yeakey, C. C. 2002.
Introduction: America's Disposable Children: Setting the Stage. *The Journal of
Negro Education*, 71, 97-107.