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Jeffrey A. Fagan
Columbia Law School, jfagan@law.columbia.edu

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Crime, Law, and the Community: Dynamics of Incarceration in New York City

Jeffrey Fagan

Random Family (LeBlanc 2003) tells the story of a tangled family and social network of young people in New York City in which prison threads through their lives since childhood. Early on, we meet a young man named Cesar, who sold small amounts of crack and heroin in the streets near his home in the Bronx. During one of his many spells in jail, Cesar sees his father pushing a cafeteria cart in the Rikers Island Correctional Facility, New York City's jail. Cesar had not seen his father in many years, but he was not very surprised to see him there. This was neither Cesar's first time at Rikers, nor his first time in jail, and the same was true of his father. Cesar was at Rikers awaiting transfer to a prison in upstate New York, one of several prison spells he would face within his first three decades of life. In addition to seeing his father in jail, Cesar often encountered childhood friends from his Bronx neighborhood as he moved through the state's prisons.

Cesar, his parents and siblings, other family members, his friends, and the women with whom Cesar had children formed a thick social network that shaped the choices, opportunities, and relationships in their lives. Their social mobility, economic choices, and emotional ties were sharply circumscribed by these networks. Prison and jail were routine features of their lives and a nexus of the complex relationships that now spans generations. Although Cesar encountered his father in jail after many years of estrangement, Cesar often saw several of his children and their mothers while in prisons.

This story has been replicated tens of thousands of times in American cities since 1980 (Tonry 1995; Blumstein and Beck 1999; Mauer 2000). The social concentration of incarceration among young, poor minority males is a well-known criminological fact and a feature of contemporary American prisons (Tonry and Petersilia 1999; Bonzcar and Beck 1997). But Cesar's story represents a turn in the persistent story of racial disproportionality and social concentration of imprisonment. The increasing social embedment of both direct and vicarious prison experiences has

become part of the developmental ecology of young males in the poorest neighborhoods of urban areas in the United States (Hagan and Dinovitzer 1999).

Recent evidence suggests that the growing social concentration of incarceration is reciprocally tied to the spatial concentration of incarceration in poor urban neighborhoods. Cesar's story suggests that incarceration has become part of the social and psychological fabric of neighborhood life in poor neighborhoods of New York and many other cities. It is in the background of childhood socialization and an everyday contingency for young men as they navigate the transition from adolescence to adulthood. Recent studies show that the risks of going to jail or prison grow over time for persons living in poor neighborhoods, contributing to the accumulation of social and economic adversity for people living in these areas as well as for the overall well-being of the neighborhood itself (Clear, Rose, and Ryder 2001; Lynch and Sabol 2002). As the risks of going to jail or prison grow over time for persons living in these areas, their prospects for marriage or earning a family-sustaining wage diminish as the incarceration rates around them rise, closing off social exits into productive social roles. Over time, incarceration creates more incarceration in a spiraling dynamic.

This chapter illustrates this process using data from New York City on neighborhood rates of incarceration in jail or prison in five waves over a 12-year period beginning in 1986. Rates of incarceration grew slowly in the early 1980s and spiked sharply after 1985 as crime rates rose. Incarceration rates persisted at a high level through the 1990s, declining far more slowly than did the sharply falling crime rates. These analyses show that the use of incarceration, especially prison, seems to have differential effects across the city's neighborhoods and police precincts, but that the overall excess of incarceration rates over crime rates seems to be concentrated among nonwhite males living in the city's poorest neighborhoods.

Thus, the first task of the chapter is to illustrate and explain the growth of incarceration and estimate its effects. The chapter shows that neighborhoods with high rates of incarceration invite closer and more punitive police and parole surveillance, contributing to the growing number of repeat admissions and the resilience of incarceration even as crime rates fall. Incarceration begets more incarceration, and incarceration also begets more crime, which in turn invites more aggressive enforcement, which then resupplies incarceration. It is, quite literally, a vicious cycle. The constant rearrangement of social networks through removal and return of prisoners becomes a systemic part of neighborhood life and its social norms. Incarceration creates a supply of both crime and more incarceration.

Next, the chapter discusses social, economic, legal, and political mechanisms through which spatial concentration transforms a spike in incarceration from an acute external shock into an enduring internal feature of the neighborhood fabric, a dynamic process that then persists regardless of law or policy, and well in excess of the supply of criminals. The chapter illustrates the contributions of law and policy to incarceration dynamics that persist even in eras of declining crime. Then, drawing on new research on the impacts of incarceration, the chapter shows how high rates of incarceration shape the everyday lives both of those directly affected—the children and relatives of inmates, returning prisoners—but also vicariously the neighbors whose lives intersect with the families of inmates and parolees. When high incarceration rates are internalized into the ecology of small, homogeneous neighborhoods, it adversely affects the economic fortunes, political participation, family life, and normative orientation of people living in the social context of imprisonment and its aftermath. The chapter concludes with a discussion of how this concentration distorts the relationships of citizens and law, both to those living in areas affected by these dynamics and to those outside whose views of these neighborhoods and their residents influence their policy preferences.

Crime and Incarceration in New York City

Beginning in the 1980s, the prison population in the United States increased sharply through the late 1990s and continued to rise through 2000 (Cohen and Canela-Cacho 1994; Tonry 1995; Blumstein and Beck 1999; Maurer 2000). The Bureau of Justice Statistics (1996, 1999, 2001) reports that the state prison population more than doubled in the decade from 1980 to 1990, from 295,819 to 684,544. It rose by nearly 50 percent from 1990 to 1995, to 989,004. The growth in the prison population was slower after 1995, but rose nonetheless to 1,181,128 in 2001, even as crime rates were falling nationally.

Incarceration trends in New York City and New York State followed similar trends. New York State's prison population in 1999 was 66,786 inmates, up from 55,000 in 1990 and 27,000 in 1985.¹ Over the past 15 years, approximately 70 percent of the state's prison inmates came from New York City.² New York City's average daily jail inmate population was 17,897 in 1999, only slightly lower than the 1990 population of 19,643.³

Table 2.1 shows the dynamics of crime, enforcement, prosecution, and sentencing that have contributed to incarceration growth beginning in

Table 2.1. Crime, Arrest, and Punishment, New York City, 1985–1997

	1985	1990	1995	1997	% change 1985–1990	% change 1990–1997
Reported crime						
Total index crimes	602,945	711,556	442,532	356,573	18.0	(49.9)
Violent crimes	135,305	174,689	114,180	92,866	29.1	(46.8)
% violent crimes	22.4	24.6	25.9	26.0	9.8	5.7
Arrests						
Felony arrests	106,530	148,171	135,128	130,309	39.1	(12.1)
Felony drug arrests	21,008	47,838	43,697	41,728	127.7	(12.8)
% felony drug arrests	19.7	32.3	32.3	32.0	64.0	(0.9)
Felony arrests per index crime	0.177	0.208	0.305	0.365	17.5	75.5
Misdemeanor arrests	127,222	118,634	181,565	204,979	(6.8)	72.8
Misdemeanor drug arrests	34,899	33,056	52,892	63,879	(5.3)	93.2
% misdemeanor drug arrests	27.4	27.9	29.1	31.2	1.8	11.8
Prosecution						
Felony prosecution— indictments	30,416	54,837	42,758	37,041	80.3	(32.5)
Violent crime prosecutions	15,745	19,714	13,064	11,239	25.2	(43.0)
% violent crime prosecutions	51.8	36	30.6	30.3	(30.5)	(15.8)
Drug prosecutions	7,702	27,071	22,377	18,964	251.5	(29.9)
% felony drug prosecutions	25.3	49.4	52.3	51.2	95.3	3.6
Convictions	22,093	39,310	34,193	30,812	77.9	(21.6)
Convictions per 100 felony arrests	20.74	26.53	25.30	23.65	27.9	(10.9)
Sentences	75,264	92,261	79,845	93,141	22.6	1.0
Prison	10,802	20,420	18,353	16,490	89.0	(19.2)
Jail	61,839	66,035	55,957	71,508	6.8	8.3
Jail + probation	2,623	5,806	5,535	5,143	121.3	(11.4)
Incarceration ratios						
Prison sentences per 100 index crimes	1.79	2.86	4.15	4.62	59.8	61.5
Prison sentences per 100 felony prosecutions	35.5	37.2	42.9	44.5	4.8	19.6
Prison sentences per 100 convictions	48.9	51.9	53.7	53.5	6.2	3.0
Jail sentences per 100 misdemeanor arrests	50.7	60.6	33.9	37.4	19.5	(38.3)

Source: New York State, Division of Criminal Justice Services, various years.

30 HOW MUCH IMPRISONMENT IS TOO MUCH?

1985, the year before the onset of the crack epidemic in New York, and continuing through 1997, when crime had declined sharply in New York City.⁴ Table 2.1 shows that the number and rate of prison sentences (per arrest and per conviction) rose at a faster pace than did crime from 1985 through 1990, and then declined far more slowly than did crime from 1991 through 1997. Reported index crimes, including violent felonies and major property crimes, rose by nearly 18 percent from 1985 through 1990, but felony arrests rose by nearly 50 percent in this period as did felony prosecutions.

Prosecutions rose, too, perhaps motivated by the increased opportunities for incarceration created by legislation lowering the thresholds for felony drug convictions and mandating prison sentences for “predicate” felony offenders with prior felony convictions (Herman 2000; Nakdai 2001). Convictions, however, rose far more slowly, increasing by less than 10 percent. Even while convictions remained stable, prison sentences nearly doubled during that time, from 10,803 to 20,332. Jail sentences remained stable, a reflection of the stable rate of misdemeanor arrests. It appears, then, that sentencing accounted for the growth in imprisonment during this time, with prison sentences growing at a faster rate than the crime rate, the felony arrest rate, and the rate of convictions. The narrowing of discretion in sentencing by the legislature contributed significantly to the doubling of incarceration rates during this period.

The effects of the predicate felony law can be seen in table 2.2. Fagan, West, and Holland (forthcoming) analyzed the prior criminal records of a 25 percent sample of prison admissions of convicted offenders from New York City over five waves from 1985 to 1996. The percent with prior arrests, prior convictions, and prior jail sentences rose slightly over the period. For example, 48 percent of the prison admissions in 1985 had prior jail sentences; by 1996, 55 percent had prior jail sentences. The largest increase was in prior prison sentences. In 1985, 26 percent of the new admissions to prison had served prior prison sentences; by 1993 the

Table 2.2. Proportion of Prison Admissions by Prior Criminal Justice Involvement, 1985–1996

Year	Prior arrests	Prior convictions	Prior jail sentences	Prior prison sentences
1985	.77	.67	.48	.26
1987	.77	.68	.51	.24
1990	.78	.68	.53	.26
1993	.80	.71	.55	.38
1996	.80	.72	.55	.39

Source: New York State, Division of Criminal Justice Services, various years.

proportion had risen to 38 percent, and it was 39 percent in 1996. Over time, the prison admissions were drawn from the ranks of previously incarcerated prisoners. The recycling of prisoners was a driving force in maintaining high prison populations even in an era of sharply declining crime rates.

Drugs and Incarceration

Most of the growth in felony arrest and prosecution was for drug offenses, which were the primary targets of sentencing legislation during this time. Felony drug arrests more than doubled during this period, while misdemeanor drug arrests remained stable. Table 2.1 shows that the number of drug prosecutions rose by nearly 400 percent from 1985 to 1990, a pace twice as great as the rise in felony drug arrests. Although convictions rose far more slowly during this time, the rate of prison sentences per 100 convictions rose from 71.2 to 93.8. Since drug offenses accounted for much of the growth in prosecution, it is safe to assume that the rise in prison sentences per conviction was due mainly to the growth of drug convictions.

Several features of drug law and policy contributed to the disproportionate share of drug offenders among the newly incarcerated. First, New York implemented a series of intensive street-level enforcement initiatives during this time, each focusing on aggressive buy-and-bust tactics to snare drug sellers and some buyers. One initiative was Operation Pressure Point (OPP), launched in the mid-1980s (Zimmer 1987), focusing on outdoor retail drug markets in the Lower East Side neighborhood of Manhattan. Following the onset of the crack epidemic, a second initiative replicated the Pressure Point strategy in neighborhoods across the city. In 1988 a relatively small Crack Squad within the Narcotics Division of the NYPD was expanded to become the Tactical Narcotic Teams (TNT) (Sviridoff et al. 1992). TNT teams were deployed mainly in minority neighborhoods where the visible crack trade made an inviting target that produced thousands of felony drug arrests (Fagan and Chin 1989). These were among the poorest neighborhoods in the city, with median incomes well below poverty and areas where nonwhites lived under conditions of intense racial segregation (Letwin 1990).⁵

Second, drug sentencing laws were amended during this time to mandate longer sentences for possession of even small amounts of cocaine (Fagan and Chin 1989; Belenko 1993; Sviridoff et al. 1992; Letwin 1990). By 1987 the New York State legislature had enacted broad changes in sentencing for many drug offenses, including mandatory incarceration and lengthened sentences for even small amounts of drugs.⁶ “Predicate

felony” laws passed during this time also contributed to the rise in imprisonment by mandating prison sentences for felony offenders with any prior felony conviction.⁷ Coming on top of the already harsh, deterministic “Rockefeller Drug Laws,”⁸ the predicate felony statutes in practice elevated the prison population by indexing the incarceration rate to the arrest rate by denying judicial discretion in sentencing repeat offenders.⁹ The effects of the predicate felony statutes landed most heavily on drug offenders and violent offenders (Herman 2000). The intersection of these policies, fueled by calls for ever tougher enforcement against drug dealers, was the engine behind New York’s historic expansion of its prison population during this time (Letwin 1990).

The increasing share of prison admissions for drug crimes can be seen in figure 2.1. Fagan, West, and Holland (forthcoming) showed that the percentage convicted on drug sale charges nearly tripled from 1985 to 1996, from 16.9 to 47.9 percent. For drug possession, the increase was more than double, from 5.4 to 11.2 percent. The proportion convicted for violent crimes declined by more than half during the same period, from 47.5 to 21.5 percent. The decline for property crimes was also nearly 50 percent. Drug enforcement, then, was the engine for first the growth and then the stability of incarceration in New York City for over a decade,

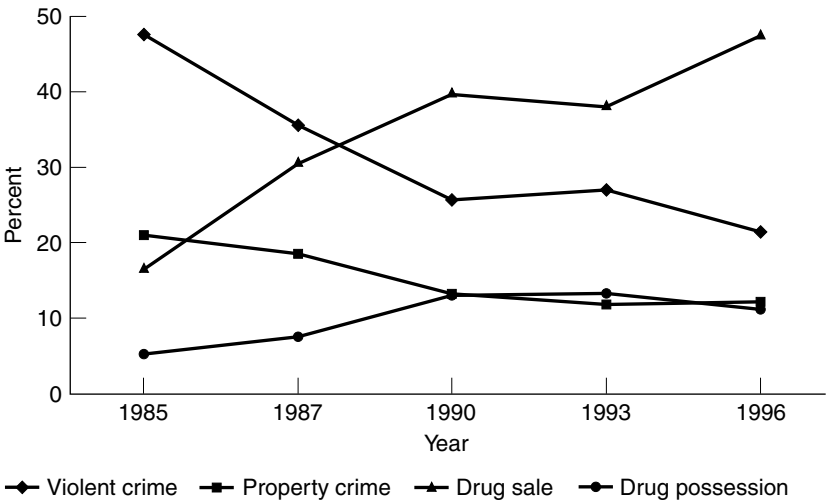


Fig. 2.1 Percentage of prison admissions by offense type, New York City, 1985–1996. Source: New York State, Division of Criminal Justice Services, 25 percent sample of prison admissions over five waves, 1985–1996.

even as other felony crime rates declined sharply. The durability of drug enforcement as a source of prison populations over time and across distinctly different crime “eras” suggests that just as incarceration shifts from an externality to an endogenous feature of neighborhood social organization, so too does drug enforcement become an endogenous feature of the social organization and political economy of law enforcement.¹⁰

Incarceration Growth and Declining Crime

Figure 2.1 shows that even as crime began its historic decline in New York City in 1991 and accelerated by 1994, drug arrests remained at their 1990 levels, and convictions for drug sale and possession continued to fuel incarceration rates. From 1990 to 1995, reported index crimes declined by more than 40 percent, from 711,556 to 442,532. Within two more years, index crimes dropped further to 356,573, an overall decline of nearly 50 percent from its peak in 1990. Yet felony arrests declined by 12 percent, only a fraction of the decline in crime.

The engine for the growth and stability of the incarceration rate in an era of declining crime was the replacement of drug enforcement programs such as OPP and TNT with new initiatives that embedded politically popular theories of zero-tolerance and order-maintenance policing (Livingston 1997; Fagan and Davies 2000) into drug enforcement. For example, “Operation Condor,” launched in 1999, was an initiative of the New York City Police Department that used overtime pay to motivate police officers to use both “buy-and-bust” tactics and reverse stings to make drug arrests (Flynn and Rashbaum 2003). At its height, the program paid for an additional 1,000 officers on the street each day. As in other zero-tolerance policies, Condor was designed to detect more serious offenders among drug purchasers and sellers who were caught in Condor’s stings.

Operation Condor produced tens of thousands of drug arrests across the city each year, but its tactics raised complaints from minority citizens about its racial disproportionality and the excessive use of a full criminal justice process (including the use of pretrial detention rather than summons) for low-level drug offenders whose crimes were mostly nonviolent and who posed minimal public safety threat (Rashbaum 2000). Large numbers of individuals were brought in on drug charges ranging from misdemeanor marijuana possession to possession of controlled substances (powder cocaine, crack, or heroin). The death of Patrick Dorismond, an unarmed citizen who was approached by undercover police officers who tried to sell him marijuana during an Operation Condor arrest, heightened racial tensions between minority citizens and the police (Rosen 2000).

Thus, the felony arrest rate per index crime rose by 73 percent from 1990 to 1997, a product of aggressive “retail” law enforcement and a policy to narrow discretion and use formal and full criminal processing of all arrests (Bratton and Knobler 1998). While prosecutions declined by nearly one-third during this period, the rate of convictions per arrest rose by nearly 30 percent. Thus, as the supply of arrestees and felony defendants grew smaller, the number of persons sentenced to prison declined by 19.1 percent from 1990 to 1995. The imbalance in declines—incarceration declining more slowly than the crime rate—again reflects the narrowing of discretion in sentencing and the continuing rise in incarcerations per felony prosecution.

The Spatial Concentration of Incarceration in New York

Research in a small number of cities shows that incarceration has been spatially concentrated in specific neighborhoods (Rose and Clear 1998; Maurer 2000; Lynch and Sabol 2002). In one study, incarceration rates within high incarceration neighborhoods increased exponentially over a two-year period (Clear et al. 2003). Lynch and Sabol (2002) calculated incarceration rates by neighborhood, focusing on concentration of prisoners spatially and temporally, and reported similar concentration. Before the research reported here, no studies examined the spatial concentration of incarceration over a longer period, across crime eras, political and policing regimes, and spanning age cohorts.

In New York City, arrests and incarcerations, both for drug and nondrug crimes, have long been spatially concentrated in the city’s poorest neighborhoods. A study completed a decade ago, in the midst of the city’s incarceration run-up from the mid-1980s, showed that just seven of New York City’s 55 community board districts accounted for over 72 percent of all the state’s prisoners (Clines 1992).¹¹ More recent studies, using arrest and incarceration records from the state’s Division of Criminal Justice Services, showed that incarceration rates are highest in police precincts with the highest rates of poverty, single-parent families, and population concentrations of youths and nonwhites (Fagan, West, and Holland forthcoming). In these studies, African Americans account for over 50 percent, and Hispanics over 40 percent, of all NYC prison admissions, but they constitute only 25.6 percent and 23.7 percent, respectively, of the city’s population. The city’s patterns of racial residential segregation all but ensure that incarceration will be spatially and socially concentrated in the city’s poorest neighborhoods (DeGiovanni and Minnite 1991).

To illustrate the spatial concentration of incarceration and its persistence over time in specific areas of New York, Fagan, West, and Holland (forthcoming) recorded the residential addresses of a 25 percent sample of persons admitted to prison from New York City over six waves beginning in 1985.¹² These addresses then were assigned first to the city's 75 police precincts. These addresses were also assigned to one of 330 neighborhoods, spatial units constructed by Jackson and Manbeck (1998) based on interviews with neighborhood residents and physical examination of naturally occurring neighborhood boundaries.¹³ The maps shown in figures 2.2 and 2.3 show the concentration of incarceration over time. Figure 2.2 shows the changes in incarceration rates per neighborhood at three points in time: 1985, 1990, and 1996. Figure 2.3 shows the concentration of incarceration by police precincts for the same three time periods. Each spatial unit is meaningful in understanding the concentration of crime and enforcement. Neighborhoods reflect small social areas where the effects of local social and economic contexts are influential both on social control and on crime opportunities (Sampson, Morenoff, and Ganon-Rowley 2002). Precincts are the administrative unit at which enforcement policies are implemented and managed, and also where police units form small organizational cultures and knowledge of local crime problems and actors.

Both figures show that incarceration rates spread outward from a small number of precincts or neighborhoods from 1985 to 1990 and also intensified in the areas with the highest incarceration rates five years earlier. By 1996, when crime rates had declined across neighborhoods and police precincts in the city, incarceration remained very high in most of the areas where it was highest in 1990 and declined only slightly in a few others. There were virtually no places that had high incarceration rates in 1990 that became low incarceration areas by 1996. In some areas, such as the Washington Heights area in the northwest part of Manhattan and southeastern Queens, incarceration rates rose during this period of general crime decline. Overall, both figures show the stability of incarceration from 1990 to 1996, at the same time that felony crimes had declined by nearly 50 percent.

The Growth of Incarceration

To better understand how incarceration contributed to the stability or growth in incarceration, Fagan and colleagues (forthcoming) estimated models to assess the effects of incarceration on crime and subsequent incarceration over a 12-year period beginning in 1985. If incarceration rises and falls in a metric animated by crime rates, we would expect that

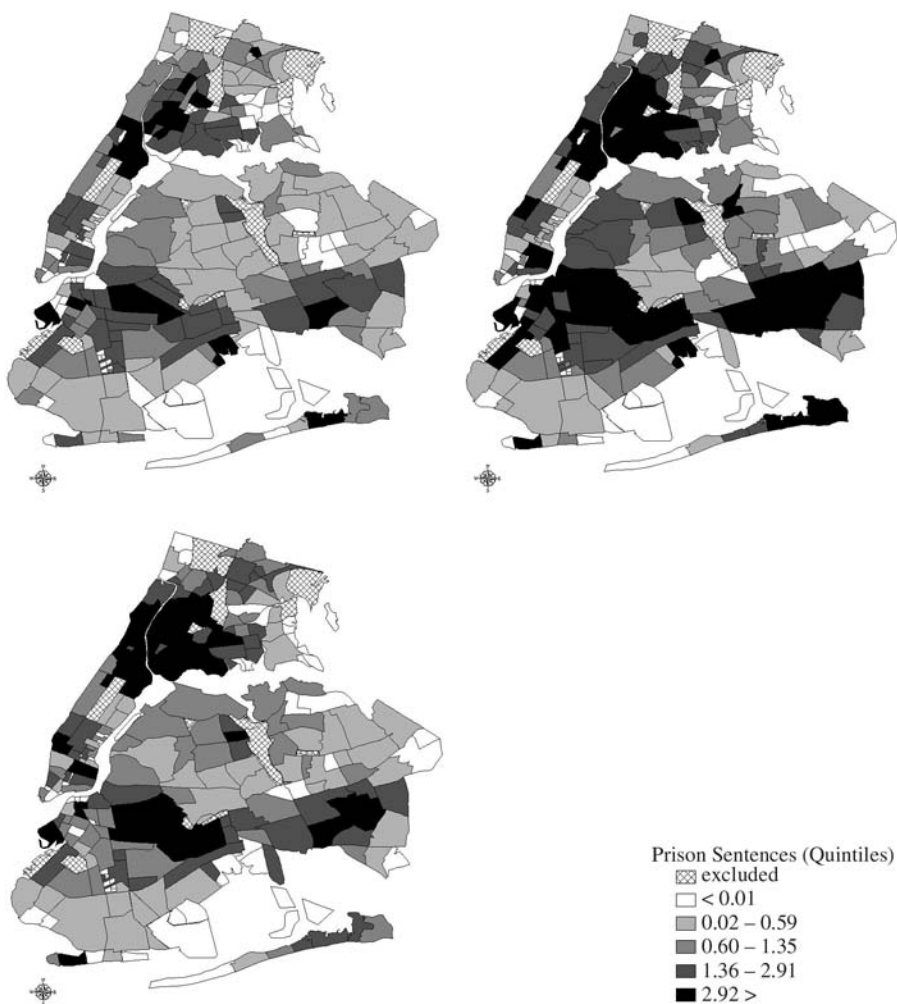


Fig. 2.2 Prison rates, neighborhood level. Rate of incarceration, neighborhoods, per 1,000 persons >15 years old (25 percent sample of persons sentenced to prison: 1985 (top left), 1990 (top right), 1996 (bottom left)).

Source: New York State, Division of Criminal Justice Services, 25 percent sample of prison admissions over five waves, 1985–1996.

incarceration rates would be predicted by crime rates, net of arrests. That is, arrests should rise and fall with crime, and the effects of arrest on incarceration after controlling for crime rates would not be statistically significant. If arrests predict incarceration after controlling for crime, we might conclude that enforcement at some tipping point becomes an endog-

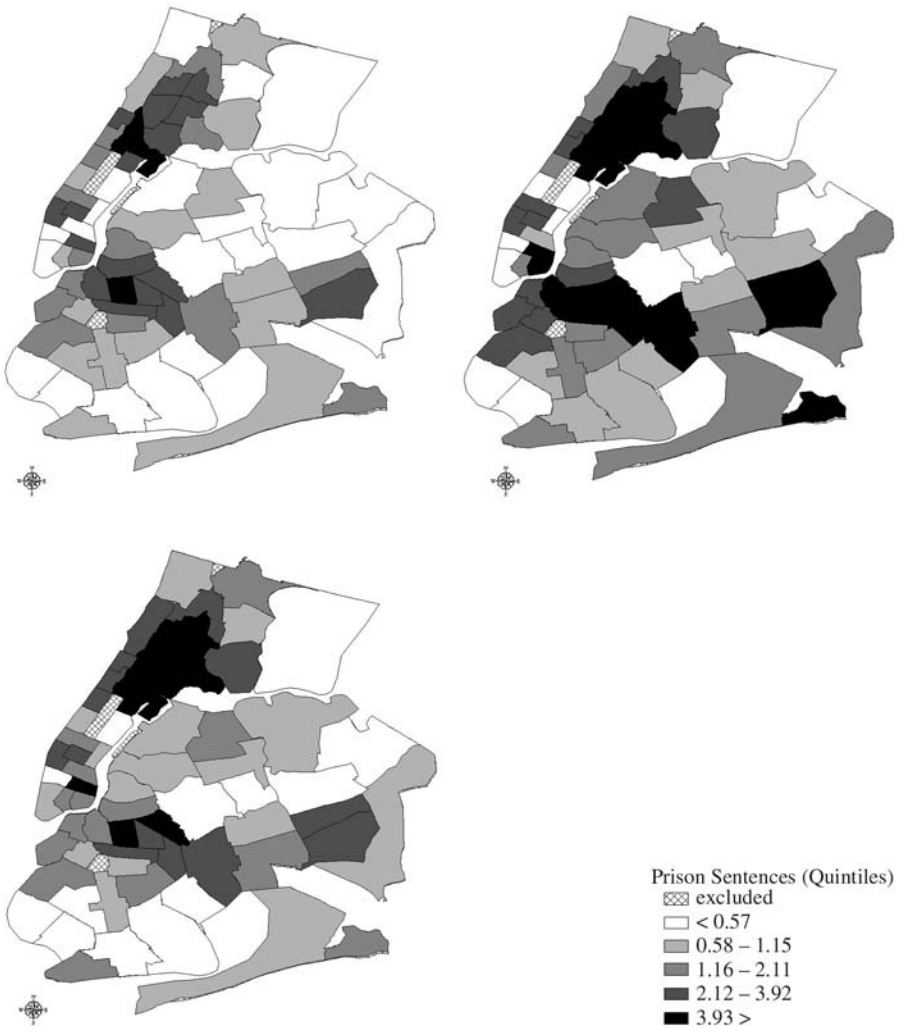


Fig. 2.3 Prison rates, precinct level. Rate of incarceration, NYPD precincts, per 1,000 persons >15 years old (25 percent sample of persons sentenced to prison: 1985 (top left), 1990 (top right), 1996 (bottom left)).

Source: New York State, Division of Criminal Justice Services, 25 percent sample of prison admissions over five waves, 1985–1996.

enous process that intensifies punishment beyond what we would predict from its crime rate. In this dynamic, law enforcement produces the supply of persons for incarceration in a process independent of crime. Incarceration thus is grown from within, not imposed from the outside.

Accordingly, these analyses examined how law enforcement patterns, including enforcement aimed at combating drug-related crime, contributed to temporal patterns of incarceration.¹⁴ The results are shown in table 2.3. The homicide victimization rate is the measure of the prior year's crime rate, since it is the only crime measure that can be computed for either precincts or for the smaller neighborhood areas. Both drug arrest rates and arrest rates for other felonies are the enforcement measures in the precinct models. Unfortunately, felony arrest rates were available only for the precinct models and not for the neighborhood models.¹⁵ Jail admissions are included as a control for the levels of misdemeanor crime in the neighborhood, and as a proxy for the generalized aggressiveness of law enforcement (see, e.g., Sampson and Cohen 1988). The models were estimated with both main effects and interactions with time. The latter show the contributions of the crime measures to changes in incarceration rates over time. The exponentiated coefficients show the rate of increase or decrease in incarceration for each unit of change in the predictors. These models were run with controls for the social structural characteristics, but only the main effects are shown.¹⁶ The results in table 2.3 suggest that incarceration increased steadily over the 12-year period, even during years when the base rate of crime was declining.

Table 2.3 shows that the processes that contribute to incarceration differ depending on whether we consider incarceration as a function of the

Table 2.3. Poisson Regression of Incarceration by Neighborhood or Precinct Crime Rates, Controlling for Social Structure, New York City, 1985–1996

	Precincts				Neighborhoods			
	Estimate	T	p(t)	Exp(B)	Estimate	t	p(t)	Exp(B)
Intercept	-12.61	-2.26	c	0.000	-4.810	-1.31		0.008
Time	0.041	0.66		1.042	-0.029	-0.71		0.971
Jail one year lag	-0.002	-1.54		0.996	0.001	3.39	a	1.000
(Log) felony arrest rate*	1.871	1.67		3.658	n/a	n/a		n/a
(Log) homicide rate	2.788	0.67		1.625	-0.691	-0.25		0.501
(Log) drug arrest rate*	-1.584	-1.80		0.334	-1.565	-2.78	b	0.337
Interactions with time								
Jail one year lag	0.0002	1.64		1.000	0			1.000
(Log) felony arrest rate*	-0.017	-1.38		0.983	n/a	n/a		n/a
(Log) homicide rate	-0.028	-0.62		0.972	0.009	0.29		1.009
(Log) drug arrest rate*	0.023	2.29	c	1.023	0.022	3.41	a	1.022
2 log likelihood		301.5				3135.5		

p(t): a: $p < .05$, b: $p < .01$, c: $p < .001$

implementation of enforcement policies in larger administrative units such as police precincts, or if we assess factors in small homogeneous social areas where enforcement interacts more dynamically with social structure and neighborhood social organization. The precinct model in table 2.3 shows the influence of drug arrests on incarceration over time, after controlling for the social composition of the precinct and both crime and arrest rates. The interaction of time with drug arrests ($t = 2.29, p < .05$) suggests that the only factor explaining changes in incarceration rates over time is the drug arrest rate. Incarceration rates rise by 2.3 percent relative to changes in the drug arrest rate. For precincts, then, the recurring drug enforcement efforts continue to produce higher imprisonment rates over time even as crime is falling. In this model, the housing structure was the only significant social factor contributing to the growth of incarceration (data not shown). This measure included the percent of the local population living in public housing. Special efforts targeting drug selling in public housing were part of the city's strategy to control drug selling and its related violence (Fagan, Holland, Davies, and Dumanovsky 2003).¹⁷ Accordingly, the targeting of public housing turned such locations into "hot spots" of incarceration.

The neighborhood model in table 2.3 shows that drug enforcement again was a significant contributor to imprisonment. The drug arrest rate is significant in two ways: as a main effect and again in an interaction with time. The main effect suggests that the rate of drug enforcement predicts differences between neighborhoods in incarceration averaged over the entire 12-year period. The significant interaction of time with drug arrests indicates that drug arrests contributed to the growth of incarceration over time in the city's neighborhoods. Among the social factors, the incarceration rate was higher over time in neighborhoods with higher concentrations of youth population (below 15 years of age) (data not shown).

Not only does enforcement contribute to the concentration of incarceration within police precincts, well beyond what crime rates would predict, but incarceration tends to increase crime rates over time (Fagan, West, and Holland forthcoming, table 8). There were positive and significant effects of prison admissions on felony arrest rates at the precinct level in the following year, controlling for the social composition of the precinct. Each prison admission increased the likelihood of a felony arrest by a factor of nearly two. Drug enforcement was not a significant predictor of crime rates over time. The pattern of interactions with social factors suggests that imprisonment is concentrated in precincts that are characterized by poverty, high percentages of nonwhite residents, and racial segregation. The limitations on measurement of crime rates within neighbor-

hoods precluded analyses of the effects of incarceration on neighborhood crime rates.¹⁸

The Reciprocity of Crime, Law, and Incarceration

Systemic theories of neighborhood and crime regard social control as essential to regulating crime rates by residents and visitors (Bursik and Grasmick 1993). Social ties and interactions among neighborhood residents are essential components of a dynamic theory of neighborhood social control (Sampson, Raudenbush, and Earls 1997). Most theories of social organization and social control, whether in high or low crime areas, do not consider incarceration to be an endogenous factor in the dynamics of social control within neighborhoods. For example, Morenoff, Sampson, and Raudenbush (2001) show that social organization and social control are dynamic processes that are embedded in small social areas and that influence local crime rates. They concentrate on informal social control and are agnostic on the effects of criminal justice practices. Only Rose and Clear (1998) and Clear et al. (2003) have explicitly considered how incarceration affects future crime and incarceration, both empirically and theoretically.

The evidence from New York suggests that at some tipping point, the removal to incarceration of neighborhood residents is internalized into the ecology of crime, law, and social control in neighborhoods. The concentration of offenders invites closer and more punitive parole surveillance, a strong influence on incarceration trends (Irwin and Austin 1994; Petersilia 1999). Incarceration begets more incarceration, and incarceration also begets more crime, which in turn invites more aggressive enforcement, which then resupplies incarceration. It is, quite literally, a vicious cycle. From 1985 to 1990, when crime rates were increasing, drug enforcement was the engine for incarceration. Once crime declined, incarceration remained stable, independent of the declining crime rate and animated by enforcement policies, especially drug enforcement and the drug component of parole supervision. It seems that over time, and after the onset of a dynamic process of enforcement and incarceration becomes stable within a social area, incarceration transitions from an externality to social organization into an integral part of local social networks and part of the dynamics of crime and social control. The constant rearrangement of social networks through removal and return of prisoners becomes a systemic part of neighborhood life and its social norms. In other words, incarceration creates a supply of both crime and more incarceration. The ecological dynamics of this process are examined next.

Incarceration and Neighborhood Ecology

As local incarceration rates increased and concentrated spatially, incarceration and crime became embedded in the social organization of neighborhoods like Cesar's in the Bronx. The effects of concentrated imprisonment can be observed in the everyday lives both of those directly affected—the children and relatives of inmates, for example—but also vicariously on their neighbors whose lives intersect with the families of inmates and parolees. When high incarceration rates are internalized into the ecology of small, homogeneous neighborhoods, it adversely affects their economic fortunes, political participation, family life, and normative orientation.

The Economic Fortunes of Returning Prisoners and Their Neighbors

The economic impacts of incarceration on neighborhoods derive in large part from the accumulation of individual economic deficits. Young men returning from prison have attenuated access to steady jobs, and when working, they have far slower wage growth than similarly situated young men who have not been imprisoned. For example, Western (2002) showed that incarceration is a turning point that reduces the earnings, wage growth, and job mobility of young men. His research examined the economic fortunes of a national probability sample of young males from 1979 to 1998. Western's work and also local studies by Crutchfield and Pitchford (1997) suggest that the concentration of incarceration produces a concentration of young males whose job and earnings prospects are diminished. In fact, Western shows that the wages of ex-inmates actually declined over time, a combination of both their incarceration experience and the penalty of a low education. These gaps exist at the margins of the unskilled labor market, the labor market segment most vulnerable to downturns in the overall economy.

The translation of incarceration growth into neighborhood disadvantage, subsequent crime, and reincarceration is hardly surprising under these circumstances, but there are several causal stories that may explain these effects. One story is the accumulation of individual effects. Employment problems of ex-offenders are an obvious risk for persistent crime once they return from prison. Ex-offenders often are relegated to spot labor markets with little prospect of stable earnings or growth in wages (Nagin and Waldfoegel 1998). Work is one of the critical factors in desistance from crime (Fagan and Freeman 1999; Sampson and Laub 2001). These effects are strongest for young men in their late 20s and early 30s

(Uggen 2000). Incarceration experiences also limit both residential and job mobility (Western 2002).

A second story may be spatial. The concentration of incarceration among nonwhites and its spatial concentration interact with other concentration effects—residential segregation and antecedent racial wage gaps—to intensify the social isolation and economic disadvantage that contribute to crime. Concentrations of ex-inmates may stigmatize neighborhoods and deter businesses from hiring locally or locating in such areas (Wilson 1996; Kirschenman and Neckerman 1991). The concentration of ex-offenders within social areas can also deplete the area's leverage or bridging social capital that is essential to making connections into referral networks that link people to jobs, in turn frustrating efforts of ex-inmates to forge links to legitimate employment. The social and economic isolation of ex-inmates may sever them from social networks that can link them to both trades and public sector employment (Granovetter 1973, 1974).¹⁹ When neighborhoods fill with ex-offenders, stable middle-class wage earners may leave, fearing crime and severing the ties of those left behind to local labor markets and job referral networks (Wilson 1996).

A third story might be the reaction of employers to persons with criminal histories whose job prospects were already limited, or their reactions to persons from neighborhoods where incarceration is common (Western, Kling, and Weiman 2001). Employers with imperfect information simply assume that African American job applicants have a greater likelihood of prior criminal involvement, and these fears motivate a higher rate of conducting background checks for African American job seekers than other groups.²⁰

And a fourth may be the aftermath of incarceration itself: the inability to gain job skills or other human capital while locked up and the psychological self-stigma of prisonization (Irwin 1970). Incarceration also creates illegal work opportunities in criminal networks that compete well with the low-wage legal work slots available to ex-prisoners. Removal of men to prison has a churning effect on illegal labor queues; in the context of limited access to legal work, the replacement process often is quite efficient (Hagan 1993; Hagedorn 1998; Sanchez-Jankowski 1991). All these mechanisms lead to a common outcome: the attenuation of work opportunities, both for individuals and for aggregates living in the areas where incarceration rates are highest. The disappearance of work elevates the risk of crime by creating incentives to join in illegal economies.

Incarceration and Family Life

Imprisonment creates adverse conditions for the families of inmates. These adversities are revisited on the communities where incarceration is con-

centrated through weaker supervision of children and adverse emotional impacts on children. The burdens of incarceration on families are several. Loss of material support strains family resources. These strains are real regardless of whether the lost income was from legal or illegal sources. Visits to prison, gifts to prisoners, and, in some cases, litigation costs, further burden families. In some cases, litigation costs for appeals and preparation for parole hearings also drain resources that already were limited. The shift of financial burden to single parents, grandparents, or other relatives creates strains for people like Jessica, Cesar's half sister, who lost Cesar's contributions to family childcare costs when he went to prison. The incomes of families like Cesar's have little margin for additional everyday costs (MacLanahan and Sandefur 1994). Burdens for childcare or financial support also may shift to younger siblings, who may leave school to earn money, marry early to escape the strains of disrupted family life, or turn to the underground economy or crime to compensate for lost family income (Hagan and Wheaton 1993). Some families may experience the opposite effect: relief from the removal of a family member who was a financial and emotional drain on other family members (Edin and Lein 1997).

The ability of remaining parents or other family members to supervise children also is compromised by incarceration of a family member (MacLanahan and Bumpass 1998). The removal of young adults from the community means fewer adults to monitor and supervise children. Inadequate supervision leads to increased opportunities for children to become involved in delinquency and crime (Sampson and Laub 1994). Although some of the inmates who were fathers or mothers may have been less than ideal parents, several studies suggest that they often played an active and positive role in their children's lives before prison (see Hagan and Dinovitzer 1999 for a review).

The loss of affection and support from an incarcerated parent can spark mental health problems in children that may have negative developmental consequences and add to their risks for crime. It also further strains the emotional reserves of the remaining parent or relatives to supervise or care for them (Garfinkel, MacLanahan, and Hanson 1998), raising the risks of the children's entry into delinquency. The aggravation of children's risks further corrodes the ability of neighborhoods to sustain social control of children. The multiplicative effects of family economic and emotional strain and children's emotional reaction to loss of a parent compound the consequences of incarceration.

Imprisonment, then, has the perverse effect of weakening families while trying to protect them from crime. The cumulative effect of incarceration is to limit the contributions of families to the process of informal social

control that characterizes low crime rates in even the poorest communities (Sampson, Morenoff, and Ganon-Rowley 2002). The accumulation of these deficits at some threshold undermines the capacities of families—and the neighborhoods they constitute—to exercise social control. This dynamic invites a recurring cycle of crime – enforcement – imprisonment, which, after the initial shock to a neighborhood, transforms into an endogenous feature of neighborhood life.

Law and Social Norms

Social control in neighborhoods is compromised by the concentration of incarceration, again in several ways. First, high rates of imprisonment raise questions of the legitimacy of government and undermine incentives to comply with the law (Sherman 1993; Fagan and Meares forthcoming; Tyler 1990; Tyler and Huo 2002). The racial and neighborhood asymmetry in punishment offers a stark contrast to the claims of legal actors that law is fair and legitimate. Tyler's work shows that experience-based assessments of both distributive fairness and procedural fairness matter a great deal to perceptions of legitimacy and compliance, especially among African Americans who are the most overrepresented racial group in New York prisons as well as nationally. The disproportionate imprisonment of people from the same neighborhoods is linked to notions of distributive and procedural justice in a fairly direct way. If people from a neighborhood do not believe that the prison sentences that their neighbors receive are fairly distributed, then they may conclude that the policy that produces the unfair distribution is illegitimate (Fagan and Meares forthcoming). If neighborhoods residents see many of their neighbors taken away through a process that they see as unfair, then it is not hard to see that some may be likely to defy the law or at the least reject its underlying social norms.

Second, when arrest and incarceration rates are high, the social meaning of criminal sanctions is eroded by the concentration of "stigmatized" persons within neighborhoods, leading to both defiance of social norms and "counterdeterrence" (Nagin 1999), and undermining the deterrent effects of imprisonment. Tyler's work, for example, shows that legitimacy and perceptions of procedural fairness have a greater impact on compliance than does the fear of sanctions (see also Paternoster et al. 1997).²¹ High rates of imprisonment within a small social area undermine the moral communication of punishment, while simultaneously eroding its contingent value. In contrast to the individual who complies with the law because he or she is responding to externally imposed punishments, the individual who complies for normative reasons does so because he or she

feels an *internal* obligation. High rates of incarceration also affect the narratives about punishment among neighbors, and the ways that they talk about the legitimacy of government with children, neighbors, and friends.

Incarceration also carries stigma costs that lead to more imprisonment. Stigma may attach to both individuals and collectivities such as neighborhoods. The famous study by Schwartz and Skolnick (1962) demonstrated the stigma effect for individuals seeking work with a criminal record, a mechanism updated in studies by Sullivan (1989) and Sanchez-Jankowski (1991). Hagan and Palloni (1990) showed how the intergenerational relationship of incarceration of parents and later crime by children is mediated by stigma effects that mark individuals for closer and perhaps harsher attention by legal authorities. Neighborhoods are stigmatized for closer attention by police, increasing the likelihood of detection of crimes independent of the crime commission rate, and also harsher treatment by legal actors of persons in stigmatized neighborhoods (see, e.g., Smith 1986 and Hagan 1993). Parole officers may concentrate their efforts in neighborhoods with higher concentrations of ex-offenders, in no small part because they may anticipate a higher likelihood of detecting prohibited behavior (Simon 1993; Petersilia 1999).

Social norms also may be disrupted by the constant churning effects of removal of persons to jail or prison followed by their return. The “prisonization” of local “street” culture in style and appearance reflects the diffusion of prison culture to neighborhoods, the salience of prison-style behavioral affect or scripts in the face of high imprisonment rates (Vigil 1988; Moore 1996), and the reification of these styles and norm sets in popular culture (Anderson 1999). While conventional norms live side by side with oppositional styles, the outward appearances of defiance or antisocial posturing may invite closer scrutiny by legal authorities and evoke stronger reactions that lead to harsher punishment (Fagan 2002).

Political Participation and Citizenship

Convicted felons are disqualified from several forms of political participation and citizenship: jury service, the right to vote, and the right to hold elective office. In some states, disenfranchisement is time-limited, but in some other states felons are disenfranchised for life (Mauer 2000). Disenfranchisement disproportionately and severely affects African American males, consistent with their distorted presence in the incarceration population: of the 3.9 million American felons who are disenfranchised, nearly 1.4 million were African American males, representing 13 percent of all black males (Mauer 2000). Patterns of racial residential segregation and

the concentration of incarceration in poor, predominantly minority neighborhoods in New York and other cities ensure that disenfranchisement will limit the ability of residents of those neighborhoods to influence local services and policies that both directly and indirectly affect crime and social control. For example, Uggen and Manza (2002) show that the outcomes of at least seven recent senatorial elections and one presidential election have been influenced by felon disenfranchisement, thus limiting the influence of disadvantaged citizens. In smaller areas, especially local electoral districts, the concentration of ex-felons may weaken leverage and access to important services that can moderate the risks of crime, including better schools, trash removal, health care, and economic development funds. It also disempowers those neighborhoods in zoning decisions and leverage to influence policing and other services. Barriers to political participation may also weaken policy leverage that might moderate police surveillance and enforcement practices that intensify incarceration patterns.

The denial of the vote and collateral limits on participation in government also may affect the way that neighbors in high incarceration neighborhoods evaluate the legitimacy of law and government. These evaluations in turn may corrode social ties and incentives to comply with law or engage in social regulation. Both for returning prisoners and their neighbors, this denial of opportunities attaches to people with whom they may share a perception of “linked fate” (Fagan and Meares forthcoming). If they or their neighbors are unable to engage in law through activities such as jury duty, such social exclusion can undermine perceptions of the legitimacy of law, or even breed resistance to participation in everyday citizen – law interactions such as cooperation with police in investigations. Denial of the vote is also a powerful symbol of the power of the state to punish and a clear stigma; when that power is perceived as illegitimate or its use capricious, it has a potentially corrosive affect on societal ties. The vicarious effects of reduced political participation may extend not just to neighbors, but also intergenerationally to weaken the legal socialization of children and adolescents toward law and legal actors. Felons are denied access to federal education grants, a form of social exclusion that deepens the embeddedness of incarceration within families and across generations.

The denial of the vote and other privileges to felons, then, is not simply a recurring form of stigma, infamy, or punishment (Fletcher 1999). When incarceration rates produce a critical mass of ex-felons to alter elections, the fates not just of those persons but of the persons who live near or next to them are harmed. The effects of disenfranchisement on political outcomes are yet another dimension of the endogeneity of incarceration in poor neighborhoods and its capacity for self-replication. The exclusion

of felons from political participation exacts a political economic cost for them and for their neighbors in the social areas where incarceration rates are highest.

Conclusion

The racial-spatial concentration of incarceration in disadvantaged urban neighborhoods in New York accrued rapidly in the late 1980s and was sustained through the decade of the 1990s even as crime rates fell by one-half or more. The persistence and concentration of incarceration seem to be products not of crime, but of the internalization of incarceration in the ecology of many neighborhoods, and the endogeneity of drug enforcement in the social organization and political economy of the city's legal institutions.

The spatial concentration of incarceration has grown more acute in neighborhoods that already were socially and economically disadvantaged, areas where nonwhites were the dominant population group. Analyses of incarceration trends in New York City by neighborhood and police precinct suggest that the risks of going to jail or prison seem to grow over time for persons living in these areas regardless of the supply of offenders, and their ability to address the social and economic dimensions that contribute to incarceration diminishes as the size of the ex-inmate population grows. Changes in law that narrowed judicial discretion and structured sentencing toward mandated imprisonment ensured that even a drastically smaller crime rate would produce a stable flow of prison admissions.

The spatial concentration of incarceration distorts neighborhood social ecology and attenuates these neighborhoods' economic fortunes. The initial shock of spiking incarceration rates transforms over time into an endogenous or internal neighborhood characteristic that endures in defiance of a declining supply of offenders. In fact, incarceration seems to provide a steady supply of offenders for more incarceration through four mechanisms. The interaction of these four mechanisms produces a multiplier effect that further embeds incarceration into neighborhood life.

First, higher rates of incarceration invite heightened levels of surveillance and policing, making detection of wrongdoing more likely. By transforming neighborhoods into the subjects of enforcement, the likelihood of incarcerative punishment increases as a result of living in a stigmatized place. Second, the declining economic fortunes of residents further concentrates economic disadvantage within persons and discourages local businesses from locating in these areas. Beyond material deficits, the absence of local economic activity deprives these areas of everyday economic

interactions that help regulate social interactions. Third, social control is not sustainable when kinship networks are strained materially to support children whose fathers are incarcerated, and when marriage rates decline due to the absence of marriageable males. Social control is compromised, and their prospects for marriage or earning a living wage diminish as the incarceration rates around them rise.

Voter disenfranchisement of convicted felons creates a fourth dynamic that adversely affects the political economy of neighborhoods with high incarceration rates. The inability to influence political processes weakens leverage and access to important services that can moderate the risks of crime, from educational resources to trash removal and recreation. It is no secret that incarceration policy is embedded in a political process that benefits both corrections professionals and lawmakers.²² While lawmakers derive political benefits from sustaining high rates of incarceration, the accumulation of disenfranchised voters in their districts defangs putative reelection challenges. In this way, disenfranchisement weakens political leverage over both state law and local policies that might moderate the practices that intensify incarceration patterns. Disenfranchisement further deprives residents of opportunities to engage in law through activities such as jury duty or motivates resistance to everyday citizen – law interactions such as cooperation in investigations. Finally, the racial-spatial concentration of incarceration intensifies racial residential segregation, depressing real estate values, and frustrating residents' efforts to build capital through home ownership.

The social exclusion of America's correctional population poses a challenge to democracy that demands political and social attention. There has been no civic debate on the political and social consequences of the production of incarceration, nor has there been reflection on the laws and policies that sustain incarceration over time and detach it from the social problems it was meant to address. With nearly five million Americans under criminal justice supervision and more than two million in prison or jail, such a debate is long overdue and critical to the moral and political health of the nation.

Notes

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1. <http://criminaljustice.state.ny.us/crimnet/ojsa/cjdata.htm#Under%20Custody%20Pop>.

2. In 1987, 75 percent of all NYS prison admissions originated from cases disposed in New York City, 69 percent in 1990, and 69 percent in 1994. NYS Division of Criminal Justice Services (DCJS) and National Corrections Reporting Program (NCRP).

3. New York City Department of Correction (DOC). Online data report. Available: <http://www.ci.nyc.ny.us/html/doc/html/avrdaily.html>.

4. New York City's crime decline has been well documented and studied extensively. See, e.g., Curtis (1998), Karmen (2000), Fagan, Zimring, and Kim (1998), and Kelling and Souza (2001). There are disagreements over the sources of the decline. Curtis attributes the decline to shrinking demand for drugs, while Karmen attributes the decline to the interaction of social forces including employment, demography, and policing strategy. Fagan et al. view the crime decline as indexed to an epidemic of gun violence that receded sharply after 1991. Kelling and Souza see the crime decline as the result of aggressive policing of social and physical disorder, which in turn had prophylactic effects on crime rates.

5. The TNT report by Letwin (1990) described four such areas:

Manhattan North TNT Target Area 2 (February 15–2009May 14, 1989): This section of northwest Harlem is a densely populated neighborhood of multiple dwellings and vacant buildings made up of two community districts, Districts 9 and 10. District 9 is 48.6 percent Black, 22.9 percent White and 22.7 percent Hispanic. District 10 is 91.6 percent Black, 6.5 percent Hispanic, 1.3 percent "Other" and 0.6 percent white. In District 9 the median household income is \$13,500, which is approximately 33 percent lower than the city average, and in District 10, the median household income is \$8,600, 60 percent below the average.

Manhattan North Target Area 1 (November 14, 1988–February 14, 1989): This section of East Harlem is also a densely populated neighborhood of tenements and walkup apartment buildings. The population is 43.8 percent Black, 42.4 percent Hispanic, and 10.7 White. The median household income is \$8,300, less than half of the city median of \$20,000.

Brooklyn North TNT Target Area 1 (January 2–May 2, 1989): This East New York neighborhood of one and two-family homes and apartment buildings is densely populated, and includes a number of large housing projects. The population is 42.7 percent Black, 29.1 percent Hispanic, 19.8 percent white, and 8.4 percent "Other". In this target area, the median household income is \$13,500, 33 percent below the city average.

Bronx TNT Target Area 1 (February 15–May 21, 1989): The South Bronx–Hunts Point area is a neighborhood of large residential buildings and significant industrial and commercial areas, with a population that is 67.8

percent Hispanic, 28.3 percent Black, 1.2 percent White and 2.8 percent "Other." The median household income, at \$6,000, is 70 percent below the citywide average, and the lowest in the borough. (pp. 801–804)

6. See N.Y. Penal Law, § 220; Donnino (1989). With respect to cocaine, in 1988, "criminal possession of a controlled substance in the fifth degree" was amended to add the knowing and unlawful possession of "five hundred milligrams or more of cocaine" (L. 1988, c. 178; Penal Law, § 220.05(5)). The purpose of the amendment was to take into account the widely used form of cocaine known as "crack." Crack is a concentrated form of cocaine that is exceptionally potent and addictive. The desired effect from the use of the crack may be obtained by the use of a substantially smaller quantity than would be required to obtain the same effect from the traditional form of cocaine. Thus, crack is generally sold to users in vials containing a small quantity of the drug. To the extent the distinction between misdemeanor and felony possession rests philosophically on a distinction between minor use, and either significant use or the likelihood that the possessor was selling or sharing the drug, the aggregate weight standard for cocaine was deemed unrealistically high as the threshold for liability for felony possession of crack. Thus, criminal possession of a controlled substance in the fifth degree, a class D felony, was amended to encompass the possession of 500 milligrams or more of cocaine. In part because of the chemical properties of crack, and because of a growing belief that liability for possession of a controlled substance should be based solely on the quantity of the drug possessed, liability for the possession of the 500 milligrams of cocaine is premised on the "pure" or actual weight of the drug, not the aggregate weight of the substance containing the drug. The remaining crimes of criminal possession and sale of cocaine, however, utilize the aggregate standard (see and compare N.Y. Penal Law, §§ 220.06(5); 220.09(1); 220.16(12); 220.18(1); 220.21(1)).

7. See N.Y. Penal Law, § 70.06(1). The law defines a predicate felony offender as a second violent felony offender whose previous felony conviction occurred within the past 10 years. Prior felony convictions that resulted in a suspended sentence, a probation sentence, a sentence of conditional or unconditional discharge, or any other sentence, were considered eligible for predicate felony sentencing upon a second felony conviction. Sentencing for predicate felons reverts to the minimum standards.

8. N.Y. Penal Law, §§ 220.00–220.65, "New York State Substance Abuse Control Act." The 1973 Act distinguished between degrees of possession and sale by weight of the prohibited substance, a departure from previous laws that classified only certain drugs such as heroin, morphine, and cocaine into degrees, which were differentiated by the quantity of the preparation, compound, mixture, or substance containing the drug. Under this system, drug offenses are graded according to the dangerousness and the quantity of the drug involved. Dangerousness of a drug is determined by consulting detailed schedules of controlled substances, with the drugs considered most harmful listed in schedule I, and those classified as the least harmful in schedule V. The 1973 Act made the possession or sale of a specified amount of a broader variety of drugs a felony, thus, three

categories of drug possession and three categories of sale required mandatory imprisonment carrying minimum ranges of one to life (A-III), six to life (A-II), or 15 years to life (A-I).

9. See, e.g., Lynch (2001) for a rich case study illustrating the tensions between the intent and impact of structured sentencing laws that deny judges the latitude to weigh culpability in the context of complex life histories of even repeat drug offenders.

10. In this context, an endogenous factor is something that is grown from within the neighborhood, rather than being imposed from an external factor such as political policy or an economic shock.

11. The seven neighborhoods are Community Districts, 55 areas of the city that are heterogeneous administrative units responsible for funneling community views into citywide policy making. The seven areas are: the Lower East Side, the South Bronx, Harlem, Brownsville, Bedford-Stuyvesant, East New York, and South Jamaica. These are among the poorest areas of the city, according to the Community Profiles of the Department of City Planning. See: <http://www.ci.nyc.ny.us/html/dcp/html/lucds/cdstart.html>.

12. These data were provided by the New York State Division of Criminal Justice Services from its TRENDS database. In addition to address, each record included the arrest and conviction charge, prior arrests and convictions, and basic demographic information. See Fagan, West, and Holland (forthcoming) for details.

13. Each neighborhood comprises several census tracts. Jackson and Manbeck drew these boundaries based on an exhaustive process of interviews with local residents and their own observation of physical boundaries. The final sample of neighborhoods is 276, after elimination of areas with no population, such as parks and heavily industrialized areas. See www.infoshare.org for neighborhood indicators and boundary maps depicting these relatively new spatial units.

14. These analyses estimated the growth or recession of incarceration using mixed effects repeated measures Poisson regression models with an overdispersion parameter adjustment (Singer 1998; Littell et al. 1996). Since the dependent variable in each analysis is a count of incarceration events, each model is specified according to a Poisson distribution. Incarceration counts, offset by the area population, are estimated as a function of the social and economic characteristics of the area plus drug arrest activity (lagged by one wave). All effects except time are fixed; time is both a random effect to account for the panel structure of the data, and a fixed effect to account for the specific year within the panel. The latter estimation is important because of specific period effects nested in the model, including the sharp increase and decline in several of the predictors (especially crime) over the panel. Time is specified in three ways. First, in order to determine the direct influence of the years comprising the study, time is treated as a fixed effect. Second, variation between spatial units (precincts, neighborhoods) over time is estimated by treating time as random effect and interacting it with each of the predictors. Finally, variation within tracts over time is captured using time as a repeated measure. These analyses used a first order autoregressive

covariance structure to estimate within-unit change over time. All models were run in using the GLIMMIX macro in the SAS Generalized Linear Model procedure (Singer 1998). Details of the modeling procedure are discussed in Fagan, West, and Holland (forthcoming).

15. Felony arrest rates were obtained from a different data source than were the drug arrests. Drug arrests were obtained from the state Division of Criminal Justice Services and the residence of the arrestee was geocoded and assigned to a precinct or neighborhood. Felony arrest rates were obtained from the New York City Police Department, and residential addresses were not available from these archives.

16. See Fagan, West, and Holland (forthcoming) for details.

17. Throughout the 1990s, police in New York and several other cities targeted public housing for more intensive drug enforcement (Popkin et al. 2000), financed by the federal government's Drug Elimination Program. In New York, beginning in 1990, this program channeled approximately \$35 million per year to the New York City Housing Authority, about half of which went to the Police Department's Operation Safe Homes (OSH). OSH, in turn, used these funds almost exclusively to expand drug enforcement in public housing, using the same tactics that characterized earlier street-level enforcement strategies such as TNT.

18. Beginning in 1994, the New York City Police Department launched a computerized crime mapping system, COMPSTAT (Bratton and Knobler 1998). Crime data before that date cannot be located to specific addresses other than through manual geocoding of complaint and arrest records, or manual coding of the records of arrestees. Even after the launch of COMPSTAT, these data were unavailable for research purposes, but were used internally for strategic analysis of enforcement practices. One reason is that the spatial coordinates were obtained only for the initial crime complaint, which often was unverified at the time it was incorporated into the database. NYPD officials were reluctant to release these data, since many of the complaints had not been investigated. For example, a complaint of a gunshot might turn out on investigation to be a car backfiring. Or a burglary could simply be a missing personal item that was later recovered. Once verified, complaints were entered into the city's crime counts, but for unstated reasons, the geographical coordinates of the crime location were not carried forward or aggregated.

19. This is not a recent or strictly American phenomenon. From London data in the nineteenth century, Hagan and Palloni (1990) show that incarceration tends to complicate efforts of ex-offenders to forge social linkages to legal work, increasing their chances of further incarceration.

20. Holzer, Raphael, and Stoll, analyzing data from a survey of employers, show that:

[h]igh criminal conviction rates among certain sub-groups of the population may indirectly affect the labor market prospects of members of that population who do not have criminal histories. When information is imperfect, employers are likely to infer the likelihood of a past criminal conviction based on such traits as gender, race, and age. To the extent that employers

are reluctant to hire workers with criminal histories, employers may statistically discriminate against individuals from demographic groups with high incarceration rates. Under such circumstances, the effect of employer-initiated criminal background checks on the hiring of groups with disproportionately high rates of past criminal convictions is theoretically ambiguous. (p. 1)

21. See also Paternoster et al. (1997), who showed that rearrest rates for domestic violence were lowest among offenders who rated their handling by police as procedurally fair.

22. In New York, state legislators and the governor received large campaign contributions from private corrections contractors, they are provided personal services such as chauffeurs and are assigned campaign workers (from the contractors' payrolls) for their reelection campaigns (Levy 2003). These contractors, such as the Correctional Services Corporation (CSC), currently have contracts of \$22 million to operate adult correctional facilities for the State of New York. According to the *New York Times* report, approximately \$30,000 in campaign contributions were given to the Republican State Committee both by CSC and private contributions made by CSC on behalf of its employees. In addition to gifts, campaign contributions, and logistical support, several state legislators living in New York City received free transportation back and forth to the state capital in Albany, approximately 150 miles from the city, in vans used by corrections officers to shuttle prisoners back and forth to court hearings in the city. In exchange for these services, letters were written in 1997–98, e.g., to the Governor's Office requesting that the contracts to CCA be continued or expanded. See also Dyer (2000).

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