

SECOND EDITION

ADDICTED TO INCARCERATION

Corrections Policy and the Politics of
Misinformation in the United States

TRAVIS C. PRATT



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PREFACE TO THE SECOND EDITION

I once held out hope that a second edition of this book was going to be unnecessary. I wrote the first edition nearly a decade ago, and after it was published in 2009, it seemed like things were getting better with respect to both crime and punishment—at least a little bit. Crime rates (particularly homicides) continued to steadily go down, and the voices claiming that the drop in crime was due to getting tough (more prisons; more police) seemed quieter than those pointing to the intersection of demographic shifts, broader economic changes, and stabilizing drug markets. And 8 years of a progressive presidential administration saw the rise in the popularity of “evidence-based” policymaking, and state prison growth began to level off. We even started letting drug offenders out of prison, and a number of states legalized marijuana—things that were unheard of in 2009. All of this seemed to me like the “addiction to incarceration” might be taking a turn for the better.

And then 2016 happened. The United States elected as its president Donald J. Trump. Now whether you like him or hate him is not necessarily what is important. What is important is how his campaign and time in office have fundamentally changed the nature of the conversations we have about what information is real or not real. When the first edition of *Addicted to Incarceration* was published, the Internet—at least as we now think of it, where we all have unfettered access to it—was only about 10 years old. And with that “democratization” of information, it became difficult to sift through the sea of information and to separate the good evidence from the bad. That was really the point of the book when I wrote it—to give the reader the “best available evidence” on the nature and consequences of incarceration. That, in and of itself, was challenging enough.

But in this new era of politics, we have now reached a point where it seems as though we are no longer even obligated to get good information. We can instead pick and choose what things we want to believe and then dismiss the rest as “fake news”—a term that has now solidified its place in the American political lexicon. And it turns out that the only evidentiary standard that needs to be met to determine whether something is fake or not is stunningly simple: It’s

fake if we don't like it. We are now even free to dismiss information as fake just because of where it came from: Did it come from *CNN* ? Fake news. Was it reported in the (failing) *New York Times* ? Fake news. Was it produced by a bunch of overly educated, elitist academics who need safe spaces and trigger warnings? Fake news and snowflakes. This state of affairs is far more troubling than the information overload I was sifting through when *Addicted to Incarceration* first came out. The risk now is that not only can we not even reach a shared understanding of reality, but also we don't even really need to try to reach one anymore. This is not healthy.

Because the reality of incarceration in this country is still rather troubling. This is the nation we currently live in: one where 2.2 million people are housed in our nation's prisons and jails. Just to put this figure into perspective, this is roughly the same number of people who populate the cities of Las Vegas, St. Louis, and Dallas combined. This group of incarcerated citizens would also be large enough to fill the seats of the nation's largest college football stadium at the University of Michigan 20 times. We live in a nation where if a restaurant is too crowded, a fire marshal can shut it down; but if a prison is too crowded, we either build more space or we rewrite the definition of what the word "crowded" means.

So here in America we still really like to lock people up. A lot. We have had a deep and abiding affection for doing so, and as a \$74 billion dollar a year industry it is safe to say that our addiction to incarceration is still running the show. And the reasons why remain the same: There is faulty information being used about the nature of crime and punishment. Thus, the core purpose of the book remains the same; that is, to expose this misinformation for what it is, and to provide the best available evidence on these issues. This task is arguably more important now than it was 10 years ago.

Accordingly, the central thesis of this book is that the United States has become "addicted to incarceration." This addiction has been fueled by policies legitimized by faulty information about the crime problem in the United States, American citizens' opinions about crime and punishment, and the efficacy of incarceration as a means of social control. Previous works on incarceration trends have often made the mistake of divorcing punishment policy from the larger social context that generated such policies. This book, on the other hand, takes the wider approach of using trends in incarceration as an example of how the politics of punishment (and the politics of

misinformation) have influenced criminal justice policy in recent years.

In doing so, the chapters contained in [Part I](#) outline the “scope of the problem” with regard to our current practice of incarceration. The introductory chapter highlights the nature of the political discussions surrounding criminal justice policy in general, and corrections policy in particular, and explicitly discusses the role of misinformation in how the United States has ended up with its current state of incarceration (i.e., how we got to this state of affairs). The second chapter in this section outlines the processes by which political discourse on crime, criminal justice, and punishment has become more and more politicized since the 1960s. In particular, this discussion addresses how control over the nature of punishment “changed hands” away from correctional professionals and toward political entrepreneurs in the late 1960s in the wake of a general movement to bring the issues of crime and its control to the political forefront. It ends with a discussion of the recent rise in “evidence-based” policymaking and how corrections policy has benefitted from this trend, and that there is a risk that those benefits are once again coming under political fire.

The three chapters that comprise [Part II](#) —the “Sources and Dimensions of Misinformation”—demonstrate how the policy prescriptions of the last four decades (e.g., mandatory sentences connected to the “war on drugs,” three strikes laws) have been based on three different (yet certainly interrelated) forms of misinformation. The first form is misinformation about crime (the topic covered in [Chapter 3](#)); specifically, the false notion that increases in the “fear of crime” among Americans simply reflect increases in their actual probability of being the victim of a crime—and in particular, a violent crime. This misconception has been central to policy makers’ public justifications for the continued growth of incarceration as a response to the fears of their voters, particularly in recent years with the growth of immigration and policy makers’ use (or rather misuse) of that issue to whip up even more fear among the public. Misinformation about crime also comes in the form of the misconception that low-level offenders (e.g., drug and property offenders) will inevitably graduate to violent offending if they are not immediately locked up. This erroneous assumption has been the linchpin for stiffening the sanctions associated with a host of criminal offenses—not just the violent ones. According to this logic, sentences for even nonserious offenses should be ratcheted up if

one assumes that today's jaywalker is tomorrow's murderer. On a related note, misinformation about crime has also produced the false assumption that chronic, life-course persistent offending can be accurately predicted using variables that are given the most "weight" in criminal justice processing: the severity of the offender's present offense and his or her prior record.

The second source of misinformation examined in [Part II](#) has to do with policy makers' concerns over the desires and attitudes of the American public (the topic of [Chapter 4](#)). While political advocates of mass incarceration consistently contend that they are merely being responsive to the demands of their constituents (i.e., they are simply giving the public what it wants), the research presented in [Chapter 4](#) demonstrates that Americans' views on crime and punishment are far more complex than policy makers generally care to admit. While Americans do harbor fairly punitive "global" opinions about crime and the use of incarceration, a number of studies have demonstrated that when it gets to the "specifics," Americans also support the philosophy and practice of correctional rehabilitation (even if they still place considerable faith in deterrence and incapacitation approaches). Americans are also quite supportive of early intervention strategies with juveniles and alternatives to incarceration (especially for nonserious drug offenders). The broad point of [Chapter 4](#) is that policy makers have outpaced the desires of the American public to increase the punitiveness of punishment policies.

The third source of misinformation in [Part II](#) concerns the effectiveness of incarceration as a crime control strategy (the topic covered in [Chapter 5](#)). The specific focus of this chapter is the empirical status of the research that scholars have produced in an effort to uncover whether prison expansion and related policy efforts actually reduce crime. In all, the evidence in favor of "prisons for crime control" is scarce. The reasons behind such weak "incapacitation effects" are also explored in this chapter—in particular, the comparative validity of the "bad implementation" (e.g., "we're just not tough enough") versus the "incomplete theory of offender decision making" explanations for why locking up more and more offenders does not seem to do much to the crime rate. The general conclusion reached in [Chapter 5](#) is that prisons, at best, provide little in the way of a crime control return for our public dollar.

The chapters in [Part III](#)—"Consequences and Looking Forward"—go on to discuss the various social costs of incarceration. These costs

come in the form of how incarceration has replaced other social institutions (e.g., public and mental health care) that were previously charged with the tasks of dealing with public problems; how incarceration (especially the way incarceration is done in the United States) has heightened the risk of personal victimization for inmates and has become a barrier to successful offender reintegration into society; how recent trends in the spatial distribution of the communities from which our primary incarcerated population is drawn have contributed to the further breakdown of inner-city environments and have affected the families and children of incarcerated parents; how incarceration has reinforced and exacerbated existing racial inequalities; how our need to provide additional prison space has resulted in the state's abdication of punishment to the private sphere and what the profit motive has done (and is continuing to do) to the practice of punishment; and how incarceration affects the children and families of those doing time in prison.

The book ends with the suggestion of a number of strategies to combat our dependence on incarceration. These include emphasizing the practice and philosophy of correctional rehabilitation, developing early intervention strategies with juvenile offenders, and reinvesting in community corrections, as well as strategies that readers can employ to separate good information from bad. The point here is not to be preachy, but rather to offer up evidence-based crime control policy alternatives to incarceration. By shining a spotlight on the misinformation surrounding our current punishment practices, perhaps the work presented here may, at minimum, serve as a catalyst for a more informed public discussion about our reliance on prisons as the primary mechanism for social control.

And to that end, this is not a time to ignore social scientific evidence or to be dismissive of it—particularly with something that affects so many American lives like incarceration does. At a time when respect for reliable information is dwindling, the important thing is to fight back against it with the body of legitimate scientific evidence that we have access to, and to remember that *facts* and *feelings* are not the same thing (just because you “feel” like it was a record crowd at inauguration day and that the sun was shining does not magically turn either of those things into facts).

Because in the end, addictions do not go away quietly—they go kicking and screaming, and the tantrum over reducing levels of incarceration seems to have already started. So I will double down on my faith in the notion that good evidence still matters and that ignoring it has consequences. Not all readers will be happy with what they read here. Indeed, those who cling to the idea that we can build our way out of the crime problem will find little in the way of comfort in this book—the evidence is simply stacked way too high against that idea. Accordingly, I urge readers to resist the temptation to dismiss it. You can do better. We all can.

Travis C. Pratt

University of Cincinnati , 2018

NEW TO THE SECOND EDITION

It was a pleasure getting to revisit *Addicted to Incarceration* . And while the structure and the core message in the book remain the same here in the second edition, there is a lot of new material covered here. Some of the new content entailed updating the statistical information and the research related to each of the key points. The first edition is, after all, nearly a decade old, and a lot of new research has been produced over that time that speaks directly to the points raised in this book. I wanted to make sure that this new work was communicated to readers. Each chapter also now ends with a brief list of key readings along with several discussion questions that should help readers keep their thoughts focused and organized as they read.

There is considerable new substantive content here in the second edition as well. Among this new material is the inclusion of a discussion of the rise of evidence-based crime control and corrections policy (see [Chapter 2](#)) and an overview of the revival of the rational/choice deterrence, get-tough philosophy in recent years (see [Chapter 5](#)). In addition, [Chapter 6](#) now contains a discussion of the consequences of incarceration for families and children of incarcerated parents, as well as a new section on immigration, crime, and punishment. And last, the final chapter of the book has been completely retooled with respect to recommendations for the future, particularly with respect to tips for readers for how to evaluate the validity and reliability of scientific information in a critical way without being dismissive. I hope that readers are challenged by the book and that they come away from it with an appreciation of the role that science can and should play with respect to correctional policy.

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I'd really like to say that this book was "all me." But like with any individual accomplishment, the truth is that I had a lot of help. I never would have had the chance to write it in the first place had not Less Kennedy, my former boss at Rutgers University (and the best boss I've worked for in 20 years of academia), opened the door for me at SAGE. Jerry Westby was always full of infinite patience; my pace was glacial, and he never seemed to get rattled by it. And an early review team—including a talented copy editor named Teresa Herlinger who saved me from some of the most mangled sentences I have *ever* written—helped blight out some rough spots on what I hope has always been an entertaining read.

I have also gotten a lot of constructive feedback over the years about the first edition of *Addicted to Incarceration*. This has come mostly in the form of some colorful stories of students' reactions to the book from faculty and instructors who have assigned it to their students. Thank you Skip Griffin and Gaylene Armstrong for some of the best—particularly the one about the student who threw his copy of it across the room during a graduate seminar in corrections. Does it get much better than that? Not much . . . not much. But this kind of feedback has reinforced in my mind the importance of the core message of the book—one that I thought would become obsolete but clearly has not—and so thank you to Jessica Miller and the SAGE team for opening the door once again.

And a very special thank you goes to Jill Turanovic, who pushed me to consider how a second look at this book would be even more important than the first. As always, she was right. So I set to it. Now, having done so, I would like to thank The Hare Clan for taking in a stray and accepting the strange line of work I'm in and Milo T. Pratt for reminding me that time spent with LEGOs and Hot Wheels beats all this writing business.

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I SETTING THE STAGE

In December of 2007, a 10-year-old girl was arrested at her elementary school in Florida for possession of a deadly weapon—a knife. She was subsequently charged with possession of a weapon on school property. In addition to the prospect of facing felony charges, she was also suspended from school for 10 days. Yet school officials conceded that she neither brandished said weapon nor threatened anyone with it. Instead, she was using it to cut the steak she had brought from home for lunch (something she had done multiple times in the past).

Because of the school district's "zero tolerance" stance on school violence—a position wholly consistent with the "get tough on crime" movement that the United States has been entrenched in for the last few decades—the girl was transported to and held in the Juvenile Assessment Center in Marion County. Apparently, the unquestioned faith of our citizenry in the efficacy and necessity of getting tough—including teachers (who reported the incident), whose job it is, theoretically, to *think*—we are even incarcerating (albeit for a brief time) 10-year-old girls who are polite enough not to eat steak with their fingers.

How did we get to the point where incarceration is viewed as a desirable response to the proper use of kitchen cutlery by a fifth grader (assuming that the creation of such zero-tolerance policies was not the result of random happenstance)? How did we abandon the philosophy of optimism concerning the individualized treatment of the offender—one that served corrections for well over a century—in favor of one that assumes a stint in a secure correctional facility is the best way to deal with the crime problem? What are the arguments that political leaders have made in an effort to convince citizens that continuing to expand prisons the way we have over the last three decades provides a net social benefit to society?

This section addresses this progression of events. Put simply, the "get tough" movement in crime control policy was no accident. It grew out of a series of changes in the social context that resulted in a change in thinking concerning crime and punishment. No longer would policy makers view these issues as public problems that are

impossible to solve. Instead, they would see them as opportunities to gain political capital.

Our addiction to incarceration is the result of that shift. The metaphor of addiction contained in this book is also no accident—the political reliance on the use and expansion of incarceration bears an eerie resemblance to the habits and lifestyles of chronic substance abusers (e.g., exaggerated benefits, denial of evidence of harm, attitudes and rationalizations that excuse use and abuse). This section explores the creation of the incarceration addiction among correctional policy makers.

1 INTRODUCTION

When it comes to crime and punishment, the United States has maintained a curious paradox over the last few decades. On the one hand, we have constructed the biggest prison system on the planet. Although we were once relegated to second place in the incarceration race, Russia's release of more than 100,000 inmates in the year 2000—largely over concerns about high levels of crowding and the spread of disease among the inmate population—has allowed the United States to recapture the world's imprisonment crown (Wagner & Walsh, 2016). Driven primarily by policies emerging out of a conservative contemporary political culture that places enormous faith in the ability to control crime through incarceration, the inmate population in the United States has now topped the 2 million mark (Kaeble & Glaze, 2016).

Given this figure, it is important to note that the exponential growth in the prison population over the last few decades has occurred in the midst of a relatively *stable* and *declining* violent crime rate over the same period of time (LaFree & Drass, 2002). For example, [Figure 1.1](#) shows the increase in the incarcerated population since the early 1900s—a clear linear trend upward beginning in the early to mid-1970s. At the same time, [Figure 1.2](#) clearly shows a general pattern of rising, then stable, and even declining violent crime rates dating back to the early 1990s.

On the other hand, the United States has also been, and continues to be, the most violent Western industrialized nation in the world. This is despite the fact that crime has been falling steadily for over a decade now, and 2014 is now regarded as one of the safest years in modern American history (Sharkey, 2018). Nevertheless, although the United States' incarceration rate is over six times that of England and Australia, even during the "great crime decline" of the 1990s, for every 100 homicides that occurred in Los Angeles there were 4.8 in Sydney and 3.8 in London (Zimring & Hawkins, 1997). Furthermore, as can be seen in [Table 1.1](#), the homicide rate in the United States is nearly three times that of Canada and nearly five times that of nearly every Western European nation. Even within the United States, the homicide rate for young African American males more than doubled from 1985 to 1993, to 167 per 100,000 citizens (by way

of comparison, it was 46 in 1960). More recent research indicates that the American “crime drop” was unequal, in that it was not really felt in impoverished African American communities (Parker, 2008). Among the industrialized countries in the world, lethal violence appears to be a uniquely American problem.

THE POLITICS AND CONSEQUENCES OF INCARCERATION

It is apparent, therefore, that our willingness to lock up such a large proportion of the American citizenry has failed to result in a corresponding increase in public safety. Oddly enough, however, this nugget of reality continues to be ignored by public policy makers, many of whom still cling to the misguided notion that we can “build our way out of the crime problem.” There are certainly a few variations on the theme, but the overall message from political pundits has been disturbingly homogeneous since the early 1970s: The crime problem (such as it is) in this country is the result of chronic leniency on the part of the criminal justice system.

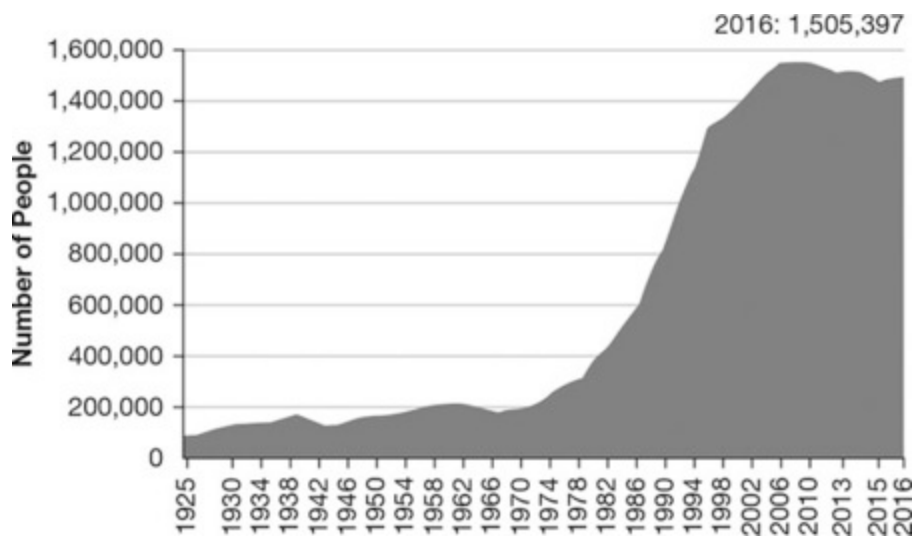


Figure 1.1 Trends in U.S. Corrections: U.S. State and Federal Prison Population, 1925–2016

Source : Bureau of Justice Statistics *Prisoners Series*

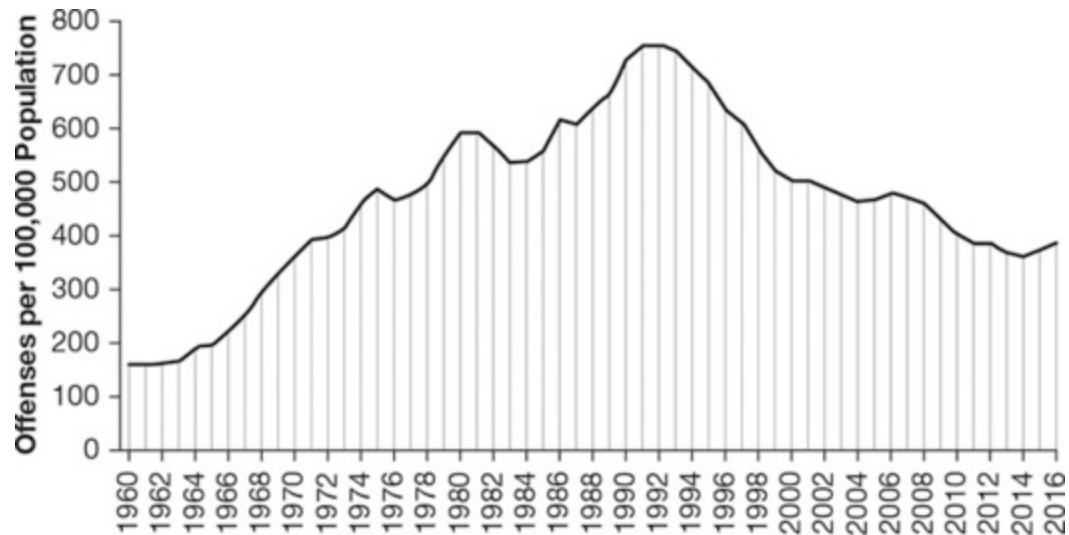


Figure 1.2 U.S. Violent Crime Rate, 1960–2016

Source : FBI Uniform Crime Reports

Table 1.1 Comparison of U.S. Homicide Rate (Homicides per 1000,000 Citizens) With Other Western Industrialized Nations, 2016

Nation	Homicide Rate
United States	4.88
Canada	1.68
France	1.58
Denmark	0.99

Nation	Homicide Rate
Australia	0.98
United Kingdom	0.92
Germany	0.85

Source : UN Office on Drugs and Crime: Global Study on Homicide—UNODC Statistics Online

Accordingly, those who oppose this claim are generally treated as having inadvertently confessed to being an intellectual hack (or perhaps to possessing a childlike faith in a more naïve Utopian social support approach). Despite the bulk of the research generated by criminologists—who are often pigeonholed by political elites as being merely left-leaning naysayers—policy makers from both sides of the political spectrum have consistently embraced policies that stiffen sentences for more types of offenses (especially drug offenses) and more types of offenders (especially nonviolent and youthful offenders) under the rubric of concern over public safety and, perhaps more important, the purported general effectiveness of the “get tough” approach to crime control.

What makes the get tough criminal justice policy agenda so seductive for political stakeholders (defined as individuals or groups with a vested interest in a particular policy outcome) is that it can never be empirically (i.e., scientifically) falsified (Pratt & Turanovic, 2018). In other words, the most methodologically rigorous available research demonstrates that policies such as “three strikes” laws and enhanced sentences, bloating the prison population even further, and sticking a higher proportion of juvenile offenders in adult facilities have little to no appreciable impact on crime rates (Pratt & Cullen, 2005). Nevertheless, advocates of the get tough approach may still contend that we just aren’t being tough enough (Wright & Delisi, 2016), and that we simply need to get tougher. As an echo of this sentiment, the calls for alternative approaches to crime control have

diminished under the current political administration (e.g., community supervision or correctional rehabilitation, emphasizing the importance of prisoner reentry programs) in favor of things like doubling down on enhanced sentences for drug offenses because they “protected us from violent crime” (Lopez, 2017)—a myth that is busted in [Chapter 5](#). Yet as a consequence, the prison boom has gone on largely unabated, the end result of which forms the central thesis of this book: that the United States has become addicted to incarceration.

Race, Gender, and Incarceration

Aside from its failure to keep American citizens any safer, our reliance on the use of incarceration as the primary tool for social control has had enormous social costs in recent years. One of the most visible consequences has been the effect of imprisonment trends on the African American community. The incarceration rate for African Americans is currently six times that of whites, and nearly double that of Hispanic/Latinos (Carson, 2018). Even more telling is the fact that one out of every three African American men in the United States population between the ages of 20 and 29 is under some form of correctional supervision (prison, jail, probation, or parole); when limited to urban areas, that figure approaches one in two. Although national statistics indicate that the proportion of violent crimes committed by African Americans is higher than it is for whites (Morgan, 2017), that proportion has stayed fairly constant over the years despite the extreme growth of the African American inmate population. It is therefore safe to conclude that criminal justice policy changes since the early 1980s through the 1990s—most notably the constellation of policies emanating out of the so-called war on drugs and our resulting willingness to incarcerate nonviolent, drug offenders—are the most likely culprits for the current racial disparity in our nation’s prisons (Nicosia, MacDonald, & Pacula, 2017).

These policy changes have also significantly impacted the gender gap in imprisonment. The United States Bureau of Justice Statistics indicates that in 1970 there were just over 5,600 women in state and federal prisons. By 2006, that number had increased to over 112,000 (a jump of over 2,000%). This figure has leveled off a bit with the current count of 106,200 women incarcerated in state and federal prison. Yet after adding in the over 100,000 women currently being held in jail facilities, we find that there are over 200,000 incarcerated

women in this country on any given day—an increase of over 14% from a decade ago (Zeng, 2018). As with their male counterparts, this increase is even more striking when the numbers are disaggregated by race, where the incarceration rate for African American women today is actually higher than it was for white *men* as recently as 1980. Since women are more likely to be incarcerated for nonviolent and minor offenses than men (especially drug and property offenses)—and typically have fewer prior convictions than men—our preference for imprisoning such offenders anyway has made African American women the fastest growing segment of the United States population under state supervision, where their annual growth rate of admission to prison is roughly twice that of men (Carson, 2018). What this has gotten us is a state of affairs where, according to a recent analysis (McCarthy, 2014), one-third of all of the women incarcerated worldwide have one thing in common: They are from the United States.

The Economic Impact of Incarceration

Aside from the negligible impact on crime rates and the disproportionate impact on inner-city minority communities, where has the American addiction to incarceration gotten us? First of all, incarceration has become an integral part of the United States economy. Nowhere is this truer than in rural America, where the construction of new prisons holds the promise of stable jobs and a general boost to stumbling local economies. California's Pelican Bay "supermax" facility (the sexy moniker designating a super-maximum security prison), for instance, was built in the state's poorest county, where the unemployment rate hovered around 26%. With the addition of the facility, unemployment dropped to around 10% in 1999—still fairly high by national standards, but considerably better than it was before (Tamaki, 2000).

Similar results have been found elsewhere as well. One of the most colorful examples is how the tiny town of Tamms, Illinois—with an unemployment rate of 16%, a poverty rate above 30%, and where half the households squeak by on less than \$15,000 a year—has embraced its supermax prison. In an interesting intersection of punishment, commerce, and pop culture, a local bank in Tamms features a billboard promising "super-max-imum savings," and a local burger joint—the Burger Shack 2—now offers the "Supermax

Burger” that, according to Hallinan (2001), apparently comes with “the works.”

The American penchant for punishment has also transformed the role of the state over the last three decades. We now live in a nation where the prison industry currently does \$74 billion a year in business. In the state of California, one out of every six state employees works for the department of corrections. As prison expenditures have assumed a larger proportion of state budgets, a few states (most notably, California and New York) are currently spending more on incarceration than they are on higher education (Kyckelhahn, 2012). This shift in spending priorities away from supportive public institutions and toward a more punitive “coercive state” is even more obvious when placed in an international perspective. For example, the World Health Organization’s 2015 report indicates that Sweden and Switzerland devote over 10% more of their annual gross domestic product (GDP) to health care than the United States does—for Germany, that figure is nearly 30% more. Furthermore, both New Zealand and Finland earmark nearly 40% more of their annual GDP for education than the United States does, and both Sweden and Denmark spend over 50% more of their GDP on education.

Political Justifications for Incarceration

Why has this mixed set of priorities been allowed to continue? One commonly touted explanation is that our political leaders are simply too weak to stand up to the prison industry’s special interests and instead routinely cave in to their requests for additional funding and increased protection from the whims of the market (see the discussion in Cressey, 1978). Although there may be a kernel of truth to this sentiment, it is highly oversimplified. At best, political discussions about the condition of the criminal justice system in the United States have merely been uncritical, because political candidates routinely ignore the sticky issue of mass incarceration in favor of focusing on the more symbolic notions of personal responsibility and moral failure (Newcombe, 2018).

Going a step further, Currie (1998) argued over two decades ago that a more significant contributor to the “knowledge gap” between public policy makers and American citizens is that

people are genuinely confused about what to think about the state of crime and punishment in America. And they are confused in part because they are continually bombarded with the myths, misconceptions, and half-truths that dominate public discussion. (p. 6)

While Currie's comments are important (and certainly accurate) in their own right, they miss a key element of the political trend in contemporary punishment, and one that is a core focus of this book. In particular, since the early 1970s, political decision makers have found that a considerable amount of political capital can be gained by calling attention to the "crime problem," by framing this problem as the inevitable outcome of the 1960s culture of social permissiveness and a criminal justice system dominated by rehabilitation-minded liberal Pollyannas, and by generating as much public support as possible for repressive crime control policies—a problem that continues to this day (Trump, 2015).

In the end, misinformation about crime and punishment is touted as the truth, while new generations of policy makers ride piggyback on the get tough rhetoric of their predecessors. In turn, policy makers can continue their ongoing, public, pillow fights about who can be tougher than whom. In the process, bad information gets reproduced, and information about the extent of our reliance on incarceration will sometimes get perverted so that political stakeholders can make it look good for their own purposes. As a case in point, when Bill Clinton was running for his second term as president, one of the members of his administration boldly noted—presumably in an effort to show how great the last 4 years had been—that "more people are at work, more people are off the welfare roles, and *more people are in prison*" (see Currie, 1999, p. 9, emphasis added). While greater numbers of employed citizens and reduced welfare roles both typically garner public support from both ends of the political spectrum, the logic of the last point is quite troubling. As Currie (1999) has noted, it would be difficult to believe that the American Medical Association would interpret a rise in the number of hospitalized cancer patients as evidence that we are "winning the war" against the disease.

Just as important as the perpetuation of bad information and the political distortion of better information, accurate information about

crime and punishment is rarely reviewed by policy makers since such material is typically found in outlets that policy makers rarely read—the dreaded academic journals. The studies published in these journals are the most scientifically rigorous available, yet the reality of crime and punishment contained in this body of work is more difficult to sell, largely because of the way academics present it. These studies are often quite complex quantitatively and therefore not terribly accessible to those not privy to the secret academic handshake. Alternatively, the standard get tough rhetoric of political pundits is more easily adoptable—and more easily absorbed by citizens—due to the simple bumper-sticker eloquence of the message. As but merely one example of the political allure of syllabically efficient criminological explanations, who could forget Bob Dole’s statement during the 1996 U.S. presidential campaign regarding the sources of criminal behavior: “[C]rime can be explained with one simple word: Criminals. Criminals. Criminals” (Nagourney, 1996).

And lest we think that this sentiment is somehow dated, consider the following example of some classic, get tough, chest beating: Beginning with his campaign for the 2016 presidential election, Donald J. Trump made it a habit to pick on Chicago. Part of his desire to whip up on Chicago probably had a lot to do with it’s being President Obama’s hometown, and Trump was dead set on defining himself as Obama’s opposite in every way possible. Yet regardless of his motivation for doing so, it became a campaign rallying cry—one that has extended into his term as president and Twitter enthusiast—to call attention to Chicago’s “epidemic” problem with violence and “carnage” (McLaughlin & Chiacu, 2017). He was fond of saying that crime in Chicago was a “horror show” and that the place was “out of control.”

But why, according to Trump and to those in his administration, was violence so “out of control”? Part of the problem, according to Attorney General Jeff Sessions, is that Chicago is a sanctuary city—one that is soft on illegal immigration, and the Trump administration has long held that unchecked immigration sets the stage for an epidemic of violence (Tanfani, 2017). Another source of the problem has to do with lax gun laws, particularly with respect to weapons trafficking, with assault weapons and other firearms coming into Chicago from out of state. This is, of course, an ironic position for the Trump administration to hold since they have also framed mass shooting events as having little or nothing to do with guns, but rather

such events are the consequence of a “morality problem” (Gorner, 2017).

Even so, given how the crime problem was framed, the solution to the violence problem in Chicago was clear according to the Trump administration: crack down on illegal immigration and stiffen up penalties for violations of gun laws (Hing, 2017). Trump even suggested deploying federal troops into Chicago to address the problem. And if that does not work, he repeatedly made vague statements about a “rough cookie” police officer—a motorcycle cop, no less—that he knows who claims that he could rid the city of crime in “a couple of days” if he was just given the legal latitude to do what political leaders are too skittish to let him do. What exactly this would entail is never stated, but it is safe to assume that the solution a “rough cookie” cop would have in mind would not involve a social work or public health approach to the crime problem (see Janssen, 2017). So clearly our fascination with getting tough—a fascination that has led to our addiction to incarceration—has not gone away.

Summary

Addictions rarely happen by accident. They instead emerge as a result of decisions—sometimes conscious ones and sometimes those born merely out of the neglect to make different ones—that end up leading to a place that is ultimately harmful and unhealthy. The addiction to incarceration is no different. We did not get to this place by accident, and we will not get out of it without a concerted effort to do things differently, which will first require us to acknowledge the uncomfortable truth that we have a problem in the first place. We do. It is therefore important to understand the dimensions of that problem, its sources and consequences, and to develop a plan of action to do something about it.

DISCUSSION QUESTIONS

1. How does the United States compare to other Western industrialized nations with respect to incarceration rates? How about with respect to violent crime rates?
2. Have racial disparities with respect to incarceration gotten better or worse over the last couple of decades?
3. Has the gender gap in imprisonment narrowed or gotten wider over the last couple of decades?
4. What are some of the economic consequences of the addiction to incarceration? Would you view these consequences as healthy?
5. Why is it difficult to shed the idea that crime can be solved by “getting tough”?

Key Readings

Currie, E. (1998). *Crime and punishment in America*. New York, NY: Henry Holt.

Hallinan, J. T. (2001). *Going up the river: Travels in a prison nation*. New York, NY: Random House.

Parker, K. F. (2008). *Unequal crime decline: Theorizing race, urban inequality, and criminal violence*. New York: New York University Press.

Sharkey, P. (2018). *Uneasy peace: The great crime decline, the renewal of city life, and the next war on violence*. New York, NY: W. W. Norton.

2 THE POLITICS OF PUNISHMENT IN THE UNITED STATES

It was only a few decades ago that our nation's incarceration rate was relatively stable, with no real indication that it would be escalating anytime soon (Blumstein & Cohen 1973). Among criminologists, there was even talk of “decarceration”—uttered with a straight face, no less—in conjunction with a more general perception that current forms of punishment should be viewed as a “vestigial carryover of a barbaric past” that would “disappear as humanitarianism and rationality spread” (Toby, 1964, p. 332; see also Miller, 1991; Mitford, 1971; Scull, 1977). During this time period, it seemed that the practice of punishment was headed on a relatively progressive trajectory, where capital punishment was abolished in the United States as a result of the Supreme Court's *Furman v. Georgia* (1972) decision, the federal judiciary intervened in the daily operations of prison management to address what the courts viewed as unacceptably harsh institutional conditions (Dilulio, 1987), and even certain nonlethal forms of punishment—such as Delaware's whipping post (bearing the name “Red Hannah”), which was used as a punishment for misbehaving inmates—fell by the wayside (Newman, 1985).

My, how times have changed. With the benefit of hindsight we can see that these early predictions regarding the direction punishment policy would take were so far off the mark that such pundits would soon be scratching their heads in genuine puzzlement over how they could have been so wrong. In just a short period, we went from a time in which punishment and incarceration were seen as politically passé, to “a time in which punishment dominates policy discussions and the prison is embraced as the linchpin of the nation's response to crime” (Cullen, Fisher, & Applegate, 2000, p. 2), and ultimately to a time when more progressive approaches—even those supported by the weight of empirical evidence—encounter considerable political resistance (Cullen, Jonson, & Mears, 2017). Given this state of affairs, we might ask ourselves a couple of logical questions: What caused this shift in how we think about crime and punishment? How did this transformation seemingly catch criminologists off guard? In an effort to address these questions, this chapter traces the

sequence of events that resulted in the political control over punishment policy in general—and corrections policy in particular—that is most responsible for our current state of mass incarceration.

In doing so, a brief historical overview of the broad changes in corrections policy over the last century is necessary. Since comprehensive historical accounts of American punishment practices can be found elsewhere (see, e.g., Friedman, 1993; Garland, 1990), an attempt at such a sweeping analysis will not be made here. Instead, this discussion is focused on two central issues: the general shifts in the ways Americans have viewed the “causes” of crime since the early 1900s, and how these shifts have influenced what kinds of “solutions” to the crime problem end up working their way into correctional policy and practice.

The theme running throughout this chapter—which is typically absent from academic discussions of corrections policy—is the extent to which policy prescriptions are determined by how the “problem” (in this case, the crime problem) is defined. For example, historical changes in punishment practices have been motivated by at least three factors associated with changes in the social and political context: (1) the feelings of hostility and desires for revenge that criminal offenders arouse in their victims and those who sympathize with the victims; (2) abstract normative philosophies, ideologies, and religious beliefs regarding punishment; and (3) prevailing theories of crime causation. Although these motives and rationales can and often do operate simultaneously, the relative power afforded to each depends on which policy stakeholders are able to control how the crime problem should be defined at any given point in time—a concept that has been referred to among corrections scholars as “problem ownership” (Pratt, Maahs, & Stehr, 1998).

In a more general sense, Gusfield (1981) states that the ownership of problems

is derived from the recognition that in the arenas of public opinion and debate all groups do not have equal power, influence, and authority to define the reality of the problem. . . . The metaphor of property ownership is chosen to emphasize the attributes of control, exclusiveness,

transferability, and potential loss also found in the ownership of property. (p. 10)

In short, whoever can present the most persuasive version of the *cause* of the problem under investigation is then in the best position to market their proposed *solution* to that problem. Thus, *problem ownership* refers to how a particular group of policy stakeholders may come to define the ideological boundaries of an issue (in the present case, to dominate discussions of the purported cause of crime) and are given the authority to set the political agenda associated with that policy area—in this case, to provide the most politically persuasive solution to the crime problem.

The remainder of this chapter discusses the development of corrections policy in the context of which groups of policy stakeholders were able to exert control over American punishment practices at various points in time. After tracing certain historical trends, the discussion then turns to how “law and order” political rhetoric and expansions in the use of incarceration since the early 1970s have become intertwined—so much so that the two appear to be joined at the hip in a kind of sick and twisted codependent dance. The end result, of course, is the unfortunate, yet seemingly unquestioned, faith among our political leaders in the social utility of mass incarceration—faith that in 2018 still appears to be virtually unshakable.

PROBLEM OWNERSHIP, PUNISHMENT PHILOSOPHIES, AND CHANGES IN CORRECTIONS POLICY OVER TIME

Pre-Progressive Era Corrections Policy

A firm understanding of how we have arrived at our current state of incarceration requires a grasp of linear trends in punishment philosophies and corrections policies over time. To reach this understanding, this discussion begins in the early 20th century, when the size and scope of public programs (i.e., the state) in the United

States were rather small, and when the rise of “modern corrections” took place (Rothman, 1980).

In the wake of a changing social and economic climate, and coupled with the political demands of a growing middle class, the state began to play a larger role in society (Staples, 1990). As a result, this period was characterized by increasing governmental activity in the areas of transportation, banking, and many other commercial enterprises, as well as the arena of social control that resulted in the “business” of punishment and corrections being co-opted by the state (Pratt et al., 1998). During this time (roughly the late 1800s to the early 1900s), the problems of crime and incarceration focused primarily on the morality of the offender. This emphasis was largely a holdover from the earliest American attempts at institutional corrections in general (which were borrowed in no small part from prison reformer John Howard’s efforts in England). Most notably, the Pennsylvania and New York (Auburn) systems (those that were most influential in that part of the 19th century) stressed the importance of religion for resisting the moral temptations that criminal behavior may provide (Clear, Reisig, & Cole, 2016).

Not surprisingly, the theory of criminal behavior that was central to the practice of corrections at this time was the classical school of criminology’s simple emphasis on rational choice. Stated clearly, the rational choice perspective viewed criminal activity as the consequence of how an individual’s moral code (or lack thereof) affects the way he or she evaluates the potential costs and benefits of criminal activity (Cullen & Gilbert, 1982); that is, one’s cost-benefit calculation is guided by one’s moral compass. Accordingly, since the advent of what can be termed *modern* institutional corrections up to the early 1900s, the American sociopolitical context was ripe for corrections policy being heavily infused with a particular brand of religion. The architects of corrections policy at this time, who were operating with both feet planted firmly within the Judeo-Christian ethic, assumed that a liberal helping of religious indoctrination, via incarceration, would induce the necessary “penitence” (hence, the term “penitentiary”) to lead the offender back to the path of a moral life (Clear, 1994).

Moreover, the states’ efforts to realign the cost-benefit calculus of the offenders who were under their control did not stop merely at passive Christian inculcation—most states added hard labor and a host of public punishments (e.g., stocks with hunched inmates’

heads and hands sticking through a wooden sandwich) to incarceration (Hirsch, 1992). Nevertheless, the overriding purpose of the prison system at this time was to isolate offenders from the morally corrupted influences in which their lives had become entrenched (and, in some cases, to isolate them from each other). And as they engaged in hard and productive labor, they could reflect on their past misbehavior, and could repent and be reformed (Clear et al., 2016).

Even more indicative of the spiritual emphasis in corrections policy during this historical period is the way female prison inmates were treated. While still rooted in the working assumption of the morality-crime nexus, female offenders were viewed as the victims of immoral men (Feinman, 1986). Therefore, prison facilities for female offenders were to be staffed and managed by females only. Such an arrangement was due to an intense belief at this time that coeducational facilities—where female inmates would be comingling with either male inmates or male staff—would simply reinforce the same gender-based lapses in morality that brought women to such facilities in the first place (Freedman, 1974). Thus, female inmates were to receive large doses of religious treatment—often cloaked under the guise of programs teaching traditional wife and/or mother values and domestic skills (e.g., food preparation, sewing, and what we now call cosmetology)—in an effort to set them back on the path of righteousness (Dobash, Dobash, & Gutteridge, 1986).

The increasing momentum of the Progressive movement, however, which began in the late 1800s and reached its zenith in the early 1920s, resulted in a fundamental realignment of the state–society relationship. The shifting social and political context of the early 20th century fueled a change in the American consensus regarding what the primary purpose of incarceration should be. In particular, the Progressive Era ushered in a new conception of the role of the state and saw the rise of scientific positivism—a new way of thinking about human behavior in general (and criminal behavior in particular) that saw such behavior as the result of both psychological and sociological forces. This new lens provided an empirical foundation—and therefore an ideological justification—for a change in punishment philosophy and correctional practice.

Positive Science and Agency Autonomy in the Progressive Era

Owing to the expansion of the public sector in the early 20th century, the faith-based dominance in corrections policy lost momentum as the public services began to explicitly adopt the principles of science as a tool for addressing public problems (Staples, 1990). The notion that science could play a significant part in shaping effective public policy gained credence throughout the Progressive Era, when upper- and middle-class Progressives began to place considerable faith in the ability of the state to effectively handle such complex issues as immigration, labor and working conditions, and rapid urbanization (Knott & Miller, 1987). The acceptance of science as a legitimate tool for structuring the delivery of public services also led to a shift in control over corrections policy away from religious pundits and toward the scientific professionals (and their respective agencies) who were charged with the task of managing and transforming the behavior of inmates. It was the influence of such professionals, along with their belief in a new scientific view of human behavior, that fueled the social acceptance of a new approach for understanding the apparent causes of—and therefore solutions to—crime (Cullen & Jonson, 2016).

Admittedly, many of the early positivist perspectives on crime causation that were adopted by progressive-minded correctional reformers can (and should) be viewed as existing somewhere between being overly simple and downright laughable. To be sure, early criminologists attributed criminal behavior to certain physical characteristics (most notably, the shape of the skull; Lombroso-Ferrero, 1911), to a lack of intelligence (often referred to as “feeble-mindedness”; Goddard, 1914), or to some unfortunate—as yet predetermined—destiny where genetically inferior parents would pass on to their offspring the genetic code that would make crime/deviance almost inevitable (see the review in McGloin & Pratt, 2003). As a result, terms such as “atavists” (born criminals who were throwbacks to a more primitive species) and “fidgety Phils” (what we may now refer to as youths with ADHD; see Pratt, Cullen, Blevins, Daigle, & Unnever, 2002) entered the criminological (and correctional) lexicon.

At this same time, however, criminologists were beginning to catalogue certain social factors, such as poor access to quality education and conditions of economic deprivation, which may also explain situational offending. By the late 1920s, psychology and sociology began to provide the dominant (in other words, more socially persuasive) explanations for crime. For example, psychological explanations became more sophisticated with the introduction of Freud's personality-based developmental theory in the early 20th century, and Shaw and McKay's (1942) social disorganization perspective focused on the societal conditions that produced high-crime areas within cities. Shaw and McKay's work, in turn, provided the basis for strain theory, social control theory, and differential association theory—three of the most popular contemporary sociological frameworks for understanding crime (Lilly, Cullen, & Ball, 2011). Despite their conceptual differences, these new sociological and psychological theories of crime causation shared a central thesis: Human behavior is not determined at birth, and, with proper treatment, inappropriate behaviors (such as criminal and delinquent behavior) can be modified.

But not just any old treatment would do. The key for correctional Progressives was individualized treatment according to the needs of the individual offender (Rothman, 1980). In sharp contrast to the approach taken by correctional reformers of the 19th century, this new movement in punishment rejected the notion of a one-size-fits-all protocol (religion and labor) for effecting behavioral change in offenders. Instead, Progressives highlighted the importance of gaining intimate knowledge of the unique problems facing each offender and then devising a treatment plan that would be tailored to that individual. Consequently, correctional staff would need to be the principal players in the process of diagnosing the factors to be targeted for change for each offender, prescribing and carrying out the specified treatment plan, and determining the timing of release (Rothman, 1980).

As a result, administrative professionals within prisons—including those assumed to be trained experts at behavior modification—were able to exert more control over correctional policy and practice and were given wide discretionary authority to administer therapeutic strategies for treating inmates (Pratt et al., 1998). As crime became viewed as a symptom of a quasi-medical condition or social breakdown, corrections agency professionals' authority over punishment practices was translated into punishment policy with the

advent of more formalized community sanctions (probation and parole release) and, most important, the indeterminate sentencing system.

Under indeterminate sentencing schemes, state and federal statutes allowed judges to sentence offenders to a wide range of time under state control. For example, felony sentences ranging from 1 to 20 years for any given offense would not have been uncommon (Goodstein & Hepburn, 1985). The reason for doing so was consistent with the model of individual treatment: As soon as the offender had been successfully rehabilitated, he or she would be released into the community. The assumption was that, since individuals differ according to what caused them to engage in criminal behavior, and since not all individuals respond in identical ways to various treatment protocols, there is a need for a flexible sentencing system that allows correctional treatment providers to tailor their interventions to the individual needs of offenders (Cullen & Gilbert, 1982).

In most states in the early 20th century, indeterminate sentences were coupled with the practice of parole release. By the 1920s, over 80% of all offenders sentenced to prison were released via the mechanism of parole (Clear et al., 2016). In yet another way that corrections agency professionals solidified their control over correctional policy during this time, parole release—a decision left to correctional administrators—was even used as a method for undermining political efforts to increase the maximum penalties for certain offenses (i.e., the upper end of the indeterminate sentence). This “back end” release mechanism thus provided parole decision makers with even wider discretionary authority.

The philosophy of rehabilitation (brought about through the individualized treatment of offenders) was intimately intertwined with corrections policy until the late 1960s. During this time, skepticism among policy makers and the general public began to emerge regarding the malleability of offenders and the legitimacy of the practice of correctional treatment. This erosion of confidence began to weaken corrections agency professionals’ control over corrections policy just as the crime problem started to emerge as a salient issue in American politics.

From Experts to Politicians

The United States experienced a dramatic rise in crime rates in the late 1960s. Levels of criminal victimization for a host of offenses (primarily violent crimes) reached an all-time high, and public concern over this trend grew just as quickly (Beckett, 1997; Rothman, 1980). Something had to be responsible for the crime wave, and fingers started pointing at our correctional system. As a result, the rehabilitative ideal came under considerable ideological and empirical attack, leaving corrections policy in a state of “crisis” (Cullen & Gilbert, 1982).

Fueling this crisis were three interrelated developments. First, a review of 231 studies regarding the effectiveness of various correctional treatment and rehabilitation strategies conducted between 1945 and 1967 was released by Robert Martinson (1974). His assessment of the evidence led him to conclude in a now famous (or perhaps infamous) statement that “with few and isolated exceptions, the rehabilitative efforts that have been reported so far have had no appreciable effect on recidivism” (p. 25). Others had reached this conclusion before (Conrad, 1973; Doleschal & Klamputs, 1973), yet none had the public impact of Martinson’s work (see the discussion in Pratt, 2002). Alternatively, Martinson’s (1979) considerably less famous recant of his earlier conclusion, along with the more rehabilitation-friendly full monograph by Lipton, Martinson, and Wilks (1975), was not so warmly embraced by correctional policy makers. Instead, Martinson’s original (1974) work was taken as proof of what policy makers (and the American public) were already beginning to believe: that “rehabilitation doesn’t work.” It was the perceived failure of rehabilitation that provided the foundation for a political assault on the autonomy of corrections agency professionals.

Second, the social conservative movement of the 1970s contributed to the crisis in corrections policy as both citizens and policy makers began to question the utility and fairness of the sentencing flexibility afforded to judges (as well as the “back end” release mechanism of parole) that had been the staple of the rehabilitative ideal for the greater part of the previous half-century. In essence, conservatives held that the indeterminate sentencing framework, where a wide range of sentence lengths could conceivably be given to various offenders who had committed the same offense, tended to result in sentences that fell well short of the maximum penalty prescribed by law. This sentiment was echoed by the common practice of early release via parole (Latessa & Allen, 2003). As such, conservative

policy makers argued that the practice and philosophy of correctional rehabilitation, with its reliance on sentencing flexibility, amounted to little more than “coddling” offenders (Cullen & Gilbert, 1982).

The solution, then, for those aligned with the conservative movement was threefold: (1) abolish indeterminate sentences, (2) eliminate parole release, and (3) institute a system of determinate—or fixed/flat—sentences. And states did just that; sentencing grids became commonplace, where offenders would be sentenced according to a narrow range of options based on their current offenses and prior criminal record. In addition, a number of prison release mechanisms (most of which were attached in some way to parole) were curtailed considerably (Goodstein & Hepburn, 1985). The end result of these policy changes was that corrections agency professionals turned over their discretion to call the shots with regard to the ultimate penalty phase of the criminal justice process to lawmakers.

Third, at the same time that the conservative camp was advocating the abolition of the indeterminate sentence (and, with it, the rehabilitative ideal), the liberal community in the United States became divided on the issue. While one (albeit small) portion of the liberal minded still championed correctional rehabilitation and therefore stressed the necessity of the indeterminate sentence for effective correctional treatment (see, e.g., Palmer 1974; see also Palmer & Lewis, 1980), a second group emerged: the “justice model liberals” (Pratt et al., 1998).

This group also advocated the abandonment of the rehabilitative ideal and the indeterminate sentence, yet for a much different reason from that of the conservatives. Rather than seeing indeterminate sentences as being too soft on offenders, justice model liberals sought to reduce the discretionary authority of prison officials because they viewed them as agents of unfair coercive practices (Cullen & Gendreau, 1989). Much of this concern had to do with the findings of judicial and scholarly inquiries into correctional operations during the 1970s. This work uncovered widespread instances of prisoner abuse and manipulation (Feeley & Rubin, 1998; see also *Brooks v. Florida*, 1967; *Holt v. Sarver*, 1971), deteriorating conditions of incarceration that fueled violent inmate outbursts and riots such as the incident at Attica in 1971 (Colvin, 1992), and massive disparities in both rates of incarceration and access to

parole release—particularly with regard to race (Clear et al., 2016; see also Mann, 1993).

Examples of the state behaving badly around this time were certainly not limited to corrections. Diminishing confidence in the government's role in the Vietnam War, the violence associated with the 1968 Democratic National Convention, and the National Guard turning its guns on students at Kent State all served as indicators to justice model liberals that the state cannot be trusted (Cullen & Gilbert, 1982). After then offering the phrase “the corruption of benevolence,” the justice model camp held that the state is incapable of the fair and effective rehabilitation of offenders (Levrant, Cullen, Fulton, & Wozniak, 1999)—a sentiment that forcefully made its way into popular culture with films such as Stanley Kubrick's *A Clockwork Orange* and Milos Forman's *One Flew Over the Cuckoo's Nest*.

The result of these parallel movements was a system of semideterminate sentences, which transferred discretionary authority over correctional policy to prosecutors, state legislators, and other political entrepreneurs (Eisenstein & Jacob, 1977; Nardulli, Eisenstein, & Flemming, 1988; see also [Table 2.1](#)). The expansion in the authority of elected public officials also led to the replacement of rehabilitation-oriented prison wardens with more conservative, punishment-oriented wardens in the mid-1970s (Colvin, 1992).

These policy changes were also reflected in—and, in part, driven by—a shift in the public consensus about the assumed causes of crime. As Cullen and Gendreau (2000) noted, “[T]he tarnishing of the rehabilitative ideal created opportunities for other ways of ‘thinking about crime’ to gain ascendancy and to influence the direction of correctional policy” (p. 112). With regard to the justice model liberal camp, the climate of distrust and cynicism toward the government in general in the late 1960s was reflected most clearly in the loss of confidence in the validity of the medical model of offender treatment. It became clear that a host of medical interventions not only failed to effect any long-term behavioral change in inmates, but many of them were also shocking to the conscience. To be sure, prisons had long been laboratories for treatments such as electroshock therapy and risky medical experiments (Mitford, 1971), pharmacological cocktails to keep inmates docile (Pratt et al., 1998), and even grinding the testicles of executed offenders into a powder to be consumed by inmates (referred to as “glandular implantation”) under the

assumption that it would act as a vaccine against violence (see, e.g., Stanley, 1940, for claims of this practice's success, not only for reducing violent tendencies among inmates receiving the implantation, but also for apparently helping one inmate "to comprehend jokes" and, in general, to have more "jazz and pep," p. 110). When correctional rehabilitation is associated with such strategies, rehabilitation is bound to get a bad name eventually.

Table 2.1 Timeline of Changes in the Social Context, Problem Definition, and Control of Correctional Policy

Time Period	Social Context	Problem Definition	Control Over Corrections Policy
Mid-1800s–Early 1900s	Laissez-faire capitalism and the minimal state	Moral failing	Religious sphere
Early 1900s–1960s	Modern administrative state	Medical model	Corrections agency professionals
1960s–Early 2000s	Ideological pluralism with a strong conservative movement	Labeling and coddling of offenders	Policy makers
Early 2000s–Present	Ideological pluralism with recognition of fiscal constraints	One that could be uncovered with social science	Policy makers with social scientists in the conversation

At the same time as the medical model was being rejected by liberal criminologists, a new perspective—labeling theory—was being adopted. According to labeling theorists, crime is amplified when youth are singled out by the criminal justice system and labeled as “delinquents” or “criminals.” The label then becomes a self-fulfilling prophecy, or a “master status,” which then would lead to even more of the kinds of behaviors that would be congruent with the new criminal identity (Pratt et al., 1998, p. 456). As such, the policy implications of labeling theory were straightforward. Advocates of this perspective pushed for decarceration (i.e., the reduction of the size of the incarcerated population), diversion, and even what has been termed “radical nonintervention” (Lemert, 1967). The doctrine of “least harmful intervention” provided by labeling theory was evident in the juvenile justice reforms in the early 1970s, including the 1974 Juvenile Justice and Delinquency Prevention Act, as well as the earlier Crime Commission reports. The most vivid example was the closing of all juvenile reform schools in Massachusetts in the mid-1970s (Miller, 1991).

Aside from the rise of labeling theory, however, Blumstein (1997) observed that “the vacuum created by the trashing of rehabilitation was soon to be filled by two other crime control approaches available to the criminal justice system—deterrence and incapacitation” (p. 353; see also Zimring & Hawkins, 1995). Bolstered by the work of economists such as Becker (1968), the classical school of criminology (the rational choice model abandoned in the early 1900s by the positivists) was resuscitated by linking the legal costs of crime to its social costs, such as the loss of respect among loved ones or the loss of employment.

In doing so, criminologists handed political entrepreneurs a silver platter filled with a simple, easy-to-understand “cure” for the crime problem: increase the costs of criminal activity. Rooted in the assumption that would-be offenders are relatively aware of the likelihood of detection and the severity of the penalties for their misbehavior, political figures from the local to the national levels jumped onto the get tough bandwagon (Pratt & Turanovic, 2018). Again, the appeal to policy makers of re-embracing the uncomplicated rational choice view of human behavior was that they were now free to ignore (and to outright dismiss) the possible criminogenic effects of the host of social factors previously implicated as being contributors to crime. Indeed, elected officials were now equipped with the argument that there was no need to

continue their attempts to alleviate conditions of economic deprivation in inner-city communities or to devise policies in an effort to combat structured inequalities in our country (see Herrnstein & Murray, 1994). Instead, lawmakers can swoop in and save the day with the stroke of a pen by writing new laws that heap harsher penalties on those who thumb their noses at the law.

POLITICAL CAPITAL AND GETTING TOUGH

The fact that policy makers began to explicitly adopt the “get tough on crime” rhetoric in the late 1960s to early 1970s was no accident. As Gest (2001) noted, “Barry Goldwater started it.” In his bid for the 1964 presidency, the Republican candidate from Arizona took what had been previously viewed as a local problem (crime) and put it on the national political agenda. Beginning with his acceptance speech at the Republican National Convention, he promised to make “enforcing law and order” a priority, and in condemning the apparent rise in “violence in the streets,” he vowed to “do all that I can to see that women can go out on the streets of the country without being scared stiff” (Cronin, Cronin, & Milakovich, 1981, p. 18). Although Goldwater was crushed in that election by Lyndon Johnson, the Democratic incumbent, Gerald Caplan (1973), the United States Justice Department’s crime research chief in the early 1970s, observed that “the effect of Senator Goldwater’s lopsided defeat was not to bury crime as an issue, but merely to transfer the official responsibility to the Democratic administration” (p. 589).

Not to be outdone, key members of the Republican Party continued their attempts to sell their version of the law-and-order message to the American public, and getting (and keeping) crime on the national political agenda proved to be fairly easy. Not only were these efforts quite successful, but they also laid the foundation for highlighting the race–crime link that would become the staple of the 1980s war on drugs. Most notably, during his run through the 1968 presidential primaries, Richard Nixon confessed in a letter to former President Dwight Eisenhower that “I have found great audience response to this [law and order] theme in all parts of the country, including areas like New Hampshire where there is virtually no race problem and relatively little crime” (Baum, 1996, p. 11). In addition, as Nixon’s

White House Chief-of-Staff, Bob Haldeman, noted in his diary, Nixon took the race–crime nexus so seriously that he had informed Haldeman, “you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to” (Baum, 1996, p. 13).

Thus, with the national leaders of both major political parties shouting the same chorus, the “get tough” game was on, and policy makers at virtually all levels of government seemed willing to play. As time wore on, the appeal of adopting a get tough stance has almost become a siren song for politicians—luring them in, even perhaps against their better judgment. As a result of those sustained efforts to deal with crime through enhanced punishments, in the early 2000s we ended up with more of our citizens locked up behind bars than the entire population of Kuwait, not to mention another 5 million under some form of community supervision (e.g., federal, state, or local probation and parole supervision; Bureau of Justice Statistics, 2007). And as it turned out—in no small part because states were going broke trying to pay the hefty corrections bill—things seemed ripe for a change, and criminologists were granted a seat at the policy table.

THE RISE OF EVIDENCE-BASED CORRECTIONAL POLICY

In the early 2000s, a new idea started to gain momentum. The gist of it was that we can—and should—use the scientific evidence we have produced to inform public policy decisions. And as the idea continued to develop, there arose the perception that we could use the research evidence that we produce to inform a wide array of policy choices, including everything from how we vaccinate our kids, to how we should deal with climate change, to how we might most effectively manage fish populations (Brownson, Baker, Deshpande, & Gillespie, 2018; Fox et al., 2017; and yes, if this feels like a throwback to a discussion earlier in this chapter, it should!). We even bestowed upon this new mindset a snappy new name—“evidence-based policy making”—which gave it an air of legitimacy that was difficult (but not impossible) to argue against (Gray, 2004). But of course, not everyone was a fan of this new idea, particularly those on the political right, where expertise in general is often mistrusted

and dismissed as “elitist” (Mooney, 2006). Yet despite the resistance, the idea caught on, and in short order the movement eventually made its way into corrections policy.

And there is no doubt that evidence-based corrections policy has been hugely influential in recent years. The driving force behind this line of influence has been the work demonstrating that punishment-based approaches to corrections are simply ineffective at reducing rates of recidivism (Pratt & Turanovic, 2018). Literally, hundreds of studies demonstrate this pattern with stunning consistency: the futility of things like correctional boot camps, threatening drug offenders with jail time if they fail a urinalysis, and even the hugely popular “scared straight” programs, where hardened adult offenders terrorize wayward juveniles with tales of sexual violence in prison and then make the youths take their shoes off and throw them into a really big pile (Maahs & Pratt, 2017). Again, the evidence is clear: These approaches are not effective (Cullen, Pratt, & Turanovic, 2016).

Alternatively, a large body of social-scientific evidence demonstrates that well-crafted correctional rehabilitation programs—those that adhere to the “principles of effective intervention” (targeting high-risk offenders, addressing the factors that are actually related to criminal behavior, and delivering the treatment program in a way that is consistent with offenders’ learning styles)—are actually quite effective at reducing recidivism (Andrews & Bonta, 2010). The result has been a strong resurgence of correctional rehabilitation programs making its way into how we deal with those who have broken the law. A collateral consequence has been that criminologists have come a lot closer to being able to define the nature of—that is, to claim “ownership” over—the problem of criminal behavior (Cullen, 2005). And in the process, at least for a while there, it seemed like there at least appeared to be a softening of the drumbeat of getting tough on offenders (Thielo, Cullen, Cohen, & Chouhy, 2016).

But ideas—even bad ones—rarely go away quietly, especially if they have enjoyed a position of privilege (Kuhn, 1962). And let’s be honest with ourselves: Getting tough with offenders appears to be part of America’s DNA. One of the ways that the get tough movement has held on in recent years is that it has been able to question what, exactly, gets to count as “evidence” within the evidence-based correctional policy arena. The scientific evidence in some fields, for example—fields like neuroscience and psychology—

is now being called into question because of what appears to be a chronic failure to replicate what were once thought to be methodologically strong scientific studies (Open Science Collaboration, 2105). This “crisis of confidence” in science (see Gelman & Loken, 2014) has continued to spread, so much so that empirical findings can now be dismissed outright if they conflict with a powerful policy maker’s preconceived notion of how the world works. “Alternative facts”—those that can be fabricated out of no knowledge of science (nor the consequences of such ignorance) but can still be spouted by political figureheads that people listen to—can instead take the place of solid scientific evidence (Sinderbrand, 2017). So once again, corrections policy can be co-opted by policy makers.

Summary

The broad takeaway from this chapter is that we arrived at our current state of incarceration as the result of decades’ worth of changes in how we think about the causes of crime, and how those ideas became translated into political decisions. And a problem that has gone largely overlooked by criminologists thus far is the extent to which the stubbornly persistent size of our correctional system continues to be aided by policy makers’ use of faulty information about (1) crime, (2) the desires of the American public, and (3) the efficacy of incarceration as a crime control strategy. The three chapters in [Part II](#) (The Sources and Dimensions of Misinformation) deal directly with these issues. Although certainly a lofty goal, my hope is that exposing the misinformation perpetuated by the defenders of the second wave of the get tough movement will open the door to more honest public debate concerning the harmful consequences (both intended and unintended) of the American state of imprisonment, and that it may boost the political attractiveness of alternative strategies that may be implemented to help us shake the habit of relying so heavily on the quick fix of incarceration.

DISCUSSION QUESTIONS

1. What was the pre-Progressive Era's view of the cause of criminal behavior? How did this view shape the punishment-based response to that behavior?
2. How did this view of the causes of criminal behavior shift in the early 1900s? How did the response to criminal behavior change as well?
3. Why did those from both sides of the political spectrum embrace fixed/flat sentences in the 1970s? What did they agree on? Where did they differ?
4. Why did "evidence-based corrections" become influential? And why is it becoming less and less influential?

Key Readings

Cullen, F. T., & Gilbert, K. E. (1982). *Reaffirming rehabilitation*. Cincinnati, OH: Anderson.

Cullen, F. T., Pratt, T. C., Turanovic, J. J., & Butler, L. (2018). When bad news arrives: Project HOPE in a post-factual world. *Journal of Contemporary Criminal Justice*, 34, 13–34.

Friedman, L. M. (1993). *Crime and punishment in American history*. New York, NY: Basic Books.

Sherman, L. W., Farrington, D. P., Welsh, B. C., & MacKenzie, D. L. (2002). *Evidence-based crime prevention*. New York, NY: Routledge.

II SOURCES AND DIMENSIONS OF MISINFORMATION

This section represents the “meat” of the book and is arguably the most important. Detailed histories of criminal justice policies and practices in general, and corrections in particular, exist elsewhere (Friedman, 1993; Roth, 2009); and even policy discussions associated with the get tough movement in corrections are not in short supply (Cullen & Jonson, 2016; Currie, 1998). Nevertheless, the three chapters contained in this section demonstrate how the policy prescriptions of the last four decades (e.g., mandatory sentences, the “war on drugs,” three strikes laws) have been based on three different (yet certainly interrelated) forms of misinformation.