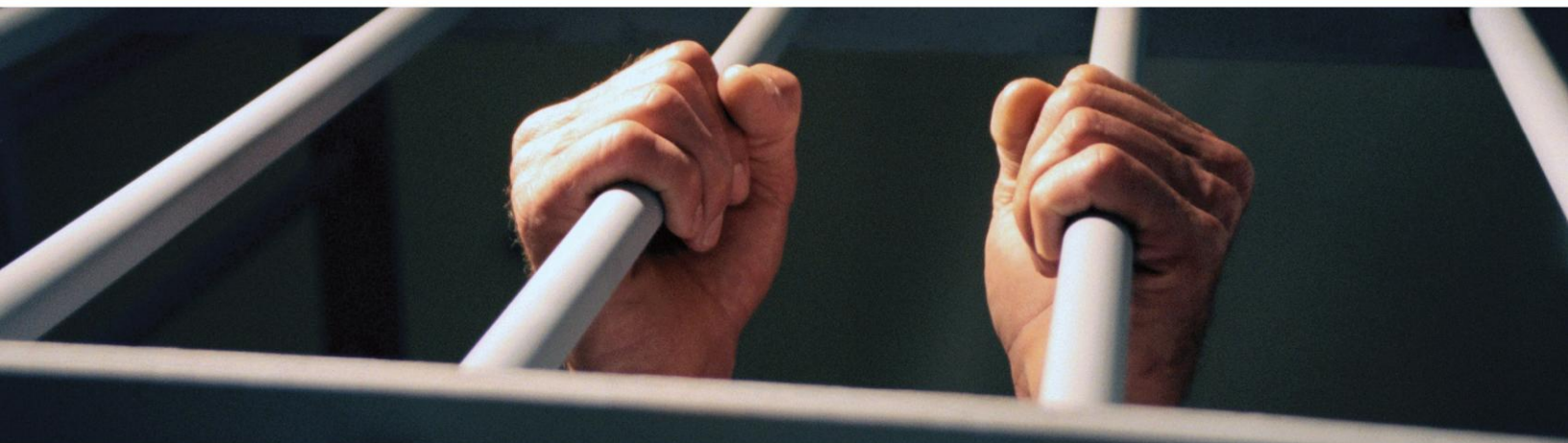


Broken Logic: The Over-Reliance On Incarceration In The United States



ADLER SCHOOL

Institute on Public Safety & Social Justice



ICIRR

Illinois Coalition for Immigrant and Refugee Rights

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The Adler School Institute on Public Safety and Social Justice (IPSSJ) is dedicated to providing socially just solutions to public safety challenges. Through creative collaboration with community groups, peer institutions, and systems partners to address public safety challenges, the IPSSJ and its partners devise empirically sound methods beyond mere suppression to create environments enabling a more lasting and meaningful sense of peace and wellness can prevail. IPSSJ believes that through collaboration, human potential and community wellness can be enhanced, and urban safety outcomes can be improved.

The Illinois Coalition for Immigrant and Refugee Rights (ICIRR) is dedicated to promoting the rights of immigrants and refugees to full and equal participation in the civic, cultural, social, and political life of our diverse society. In partnership with member organizations, the Coalition educates and organizes immigrant and refugee communities to assert their rights; promotes citizenship and civic participation; monitors, analyzes, and advocates on immigrant-related issues; and, informs the general public about the contributions of immigrants and refugees.

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Introduction

The population of the United States prison system has increased five-fold in the last 30 years¹. A full 2,500,000 men, women and children are locked up in jails, prisons, and juvenile detention centers. Another 400,000 individuals are locked in immigration detention centers². Incarceration rates do not include the scores of children in group homes as a result of their detained parents³, but those children are living symbols of the cost of the over-reliance on incarceration as a way to address problematic behavior or documentation status.

Ofentimes this crisis is justified on the basis of accountability—wrongdoings merit a punishment—without an exploration of how best to achieve true accountability. Punishment is supposed to act as a deterrent to committing further transgressions. Sending people into a detention facility is one of the most common ways in which the United States punishes people. Often, poor conditions in detention facilities are justified as part and parcel of meting out due punishment to those sentenced or detained. Lost in the discussion is whether this punishment actually rehabilitates people so they can be functional and accountable upon release.

Many prisons and detention centers have cut costs over the years by decreasing educational⁴ and other programming, reducing medical care⁶⁷, and food⁸. These cuts are again justified by their proponents as a way to ensure wrongdoers do not receive preferential treatment, underscoring the deterrent effect imprisonment is supposed to have on prisoners. However, these approaches may actually decrease true accountability and impair future functionality, thereby creating a greater likelihood for reoffending⁹.

Prisons Don't Rehabilitate, Make Communities Safer, or Promote True Accountability

Currently, two-thirds of those who serve time in prison are back in the system within 3 years of release. Once a person has served time, many policies keep them from being able to successfully rejoin mainstream society. Background checks, inability to get licenses for some employment, job applications that require disclosure of criminal history, and lack of living-wage jobs are some of the impediments to getting people back into the mainstream. Upon release, many are ill-equipped to deal with the many social, familial, and environmental demands that will be made of them, and thus cycle back into the penal system.

Additionally, aspects of prison life disable individuals from positively functioning in society once they have reentered. For example, all daily functions within detention centers are decided by outside entities. Prisoners get up when told, eat when told, shower, go outside, and sleep when told. There is no preparation for the kinds of responsibilities one will have, and often due to high costs of telephone calls and travel to far-off prisons and detention centers, family bonding and reunification is sometimes compromised beyond repair.

¹ http://www.iusticepolicy.org/uploads/justicepolicy/documents/punishing_decade.pdf

² http://en.wikipedia.org/wiki/Incarceration_in_the_United_States

³ http://www.acf.hhs.gov/programs/orr/programs/unaccompanied_alien_children.htm

⁴ <http://www.lehighvalleylive.com/northampton-county/index.ssf?/base/sports-0/127787072864900.xml&coll=3>

⁵ <http://www.commondreams.org/view/2010/06/11-6>

⁶ <http://www.statesman.com/news/texas-politics/could-cuts-to-prison-health-care-cost-texans-1201681.html>

⁷ Ira P. Robbins, Managed Health Care in Prisons as Cruel and Unusual Punishment, *The Journal of Criminal Law and Criminology* (1973) Vol. 90, No. 1 (Autumn, 1999), pp. 195-238.

⁸ [https://www.prisonlegalnews.org/\(S\(oonvja45trqppg555blsdzin\)\)/displayArticle](https://www.prisonlegalnews.org/(S(oonvja45trqppg555blsdzin))/displayArticle)

⁹ Stuart Henry, Ph.D., On the Effectiveness of Prison as Punishment, Paper presented at the Conference: *Incarceration Nation: The Warehousing of America's Poor*, October 24, 2003, Ivy Tech State College, South Bend, Indiana

Emphasizing Functionality as True Accountability

More than \$37 billion¹⁰ is spent on the prison economy in the United States annually. Prison lobbies and private prison companies fight hard to keep prisons open, filled, and expanding^{11 12}. As we do this, we expand the number of people who will most certainly never be able to live within the mainstream, or even be a functional member of their families again. This locks many formerly incarcerated individuals into a lifetime of dependency on their own families, rather than contributing members of the mainstream.

When someone harms another in any way, it is important for the wrongdoer to have a sense of consciousness around the consequences of the harm they have caused. It is also important for the person (or community) that was harmed to feel that the person who harmed them is truly accountable for the wrongdoing. Prison, by and large, does not provide the space or foster the opportunities for these insights and transformations of conscious to occur. The promotion of enormous psychological, physical, and legal sanctions against inmates actually debilitates them from making the kinds of psychological changes necessary to positively transform their lives and their mentalities. And if an inmate is mentally ill there is a great likelihood that prison will exacerbate their difficulties due to lack of treatment availability and trauma witnessed or endured while locked up¹³.

What Does Work¹⁴?

- Reallocating funds to education, mental health services, pre-school, drug rehabilitation, and other community resources can prevent the growth of the prison population.
- Retraining current detention center staff to provide therapeutic or restorative treatments and services can build on individuals' skills and abilities in mainstream society.
- Promoting sentencing that enhances family functioning is critical
- Standing against price gouging amongst prisoners and their families for telephone service can assist families to stay in touch with their incarcerated loved ones.
- Restorative Justice methods that can increase accountability, and provide greater satisfaction on the part of the victim and the offender. Additionally, these methods have a better likelihood of fully transforming the person who caused harm to a state of higher functioning within the general community.

It is time that we transform our definition of accountability and champion evidence-based practices that promote functionality. Mass detention has failed to produce results and has not made us a safer nation. Safety is the result of strong communities with healthy, functional, engaged, and accountable citizens.

¹⁰ http://money.cnn.com/magazines/business2/business2_archive/2006/12/01/8394995/index.htm

¹¹ http://www.oregonafscme.com/index.cfm?zone=/unionactive/view_article.cfm&homeID=234621

¹² <http://www.cca.com/design-construction/>

¹³ <http://www.npr.org/2011/09/04/140167676/nations-jails-struggle-with-mentally-ill-prisoners>

¹⁴ <http://thinkprogress.org/justice/2011/07/25/277771/norway-is-safe/?mobile=nc>