Mass Incarceration of Vulnerable Populations

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Introduction (SF)

J.M. Thomas (2013) was right when he called the United States "the land of the imprisoned" (Thomas, 2013, p.181). The United States is the world's leader in incarceration, with 2019 estimates reporting over 2.3 million people behind bars ("Criminal Justice Facts", n.d.). To put that into greater perspective, that is approximately 700 people per 100,000 currently in jail or prison (Sawyer & Wagner, n.d.). It hasn't always been this way; in 1970, the incarceration rate in the United States was a mere 161 people per 100,000 (ACLU, n.d.). Meaning in only fifty years, the incarceration rate has jumped 700% (ACLU. n.d.). Even more shocking are the statistics that demonstrate how certain populations are disproportionately represented in the incarceration system. Vulnerable populations continue to be further oppressed with the thriving prison system in the United States. While it is easy to start examining each law and policy as individual stressors, it would be unjust to ignore the ultimate root cause being systemic racism and purposeful oppression of specific communities.

Prisons in America did not formally exist until late in the 18th century, though community isolation of people subjectively labeled *bad* or *different*, be it their ethnicity or a perceived wrong-doing, has occurred for as far back as communities go ("8 Oldest Prisons in America", 2019). The practice of outcasting people within a society creates an ideal platform for mass oppression of vulnerable populations. Such was the case during the second wave feminist movement, coined "carceral feminism" by sociologist Elizabeth Bernstein in 2007, refering to "the feminist support for punitive policies against sexual and gendered violence that have contributed to mass incarceration" (Terwiel, 2019). In addition, "the War on Drugs is a major contributor to mass incarceration, along with other social and criminal justice policies including

punitive sentencing policies (such as three-strike and mandatory sentencing laws) and the deinstitutionalization of people with mental illnesses' " (Fornili, 2018). Though deinstitutionalization intended to reintegrate mentally ill patients back into their communities, it has been heavily criticized for its failure to successfully do so (Moritsugu, Vera, Wong, Duffy, 2014, pg. 129). The term trans-institutionalization more accurately describes the reality for many people who are severely or chronically mentally ill; instead of having a single locus for living and care, people with mental illness oftentimes find themselves in and out of a combination of institutional settings, including the penal system as we have seen here in the United States (Moritsugu, Vera, Wong, Duffy, 2014, pg. 129). The policies that have influenced the extreme influx of mass incarceration in the last 50 years may have stemmed from well-intentioned reasons for social change, such as bringing to light sexual and gendered violence and reintegrating people back into their communities. The unintended or, in the example of the war on drugs, *intended* consequences have led to the United States incarcerating 25% of the world's penal population, despite representing only 5% of the world's total population (ACLU, n.d.). For-profit-prisons and work-labor have added additional incentives to continue incarcerating people at a mass rate (Fornili, 2018). Policies guaranteeing high rates of recidivism, such as those criminalizing unavoidable consequences of poverty, create a consistent flow of profit (Gilna, 2017).

"Slavery didn't end in 1865, it just evolved" noted lawyer and social justice activist Bryan Stevenson during a podcast (Seslowsky, 2018). It seemingly evolved into the incarceration system (Fornili, 2018). The ACLU reports that 1 out of every 3 African American males and 1 out of every 6 of Latino males will be incarcerated in their lifetime, compared to 1 out of every

17 white males (ACLU, n.d.). "Though African Americans and Hispanics make up approximately 32% of the US population, they comprised 56% of all incarcerated people in 2015," cites the NAACP, further, "If African Americans and Hispanics were incarcerated at the same rates as whites, prison and jail populations would decline by almost 40%" ("Criminal Justice Fact Sheet", n.d.). Notably, incarceration rates for American Indians/Alaska Natives are 38% higher than the national average (Greenfeld & Smith, 1999). Although women are the fastest growing incarceration population, they still only represent around 10% of the total incarceration population in the United States (Sawyer & Wagner, n.d.).

Negative Outcomes (HC)

Mass incarceration has grave impacts on families, communities, and society. It has negative implications for the mental and physical health of those experiencing imprisonment or whose family members have been incarcerated. Incarceration negatively impacts family dynamics when a member becomes incarcerated. Having been in prison creates a stigma that limits what individuals are able to access in terms of services and employment, once they have returned home. It also causes those affected to have decreased economic stability and perpetuates the cycle of poverty for individuals and neighborhoods. Finally, mass incarceration reinforces racial disparities between populations.

Incarceration has very negative impacts on physical and mental health of inmates, former inmates, and their families. People in incarceration face increased levels of infectious diseases (including STI's), chronic medical conditions like high blood pressure, diabetes and asthma, substance use disorders and mental illnesses (Wildeman & Wang, 2017). Symptoms of depression and life satisfaction also, unsurprisingly, worsen while incarcerated (Wildeman &

Wang, 2017). Inmates who experience solitary confinement may experience even greater decline of mental health. One study found that inmates experiencing solitary confinement in an NYC jail were 6.27 times more likely to attempt self harm or suicide (Wildeman & Wang, 2017). Upon release from prison, inmates' healthcare often falls through the cracks. Those with chronic conditions often do not receive necessary medications upon release, nor are they given follow up care appointments in the community. The individuals who are less likely to have a primary care doctor, are much more likely to use emergency services for care and are more likely to experience preventable hospitalizations than those who have not experienced incarceration (Wildeman & Wang, 2017).

There are also negative health implications for families of those who experience incarceration. Infant mortality is found to be higher in families that experience parental incarceration (Wildeman & Wang, 2017). Having a father in incarceration increases the likelihood of children having behavioral issues, mental health problems and worse outcomes in adolescence and into adulthood, including increased risk of experiencing substance abuse (Wildeman & Wang, 2017). Children with parents in prison were at higher risk for certain health issues like depression, anxiety, asthma and obesity (Wildeman & Wang, 2017). Women with significant others in incarceration often experience a decline in mental health and an increased risk for developing cardiovascular disease (Wildeman & Wang, 2017). Overall, research has shown that the health implications for those who have experienced incarceration and their families are widely negative.

Families are negatively affected in many ways when a parent becomes incarcerated. Having a parent incarcerated makes it more likely that their children will experience poverty and

will be more likely to rely on assistance programs (Petit & Gutierrez, 2018). When a family's

father experiences incarceration, the risk of childhood homelessness rises by almost 97% (Petit

& Gutierrez, 2018). Even when a parent is released from prison, families can still struggle to

obtain housing as a criminal record creates great barriers to accessing and maintaining housing

(Petit & Gutierrez, 2018). When parents are incarcerated, they lose the ability to work and

generate income, significantly decreasing what they can financially contribute to their families.

Being incarcerated also makes it so that they cannot contribute to caring for their children, so the

family may have increased spending on childcare services (Petit & Gutierrez, 2018). Direct costs

of incarceration can also be a great burden to families financially, adding expenses like legal

fees, bail and visitation costs (Petit & Gutierrez, 2018). It is clear that having a parent in prison is

a great stressor and burden to families.

Incarceration increases the likelihood of affected individuals experiencing poverty and

unemployment, for several reasons. When someone spends time in jail, they lose time working,

lose experience, and sometimes lose work-related skills, making them less hireable (Petit &

Gutierrez, 2018). Having spent time in prison makes it less likely that inmates will get a

response to job applications after having been released. And for released inmates that are able to

find work, more often than not they experience lower pay and lower growth of pay due to their

criminal history (Petit & Gutierrez, 2018). Most employers do background checks on job

applicants in the U.S., and having a criminal history makes an individual less hireable than

having a poor work history or having been unemployed (Petit & Gutierrez, 2018). This limited

access to employment after release from prison thus creates a barrier to individuals being able to

sustain themselves financially and makes them vulnerable to experiencing poverty. However,

employment does not guarantee that former inmates do not experience poverty upon release. A study on parolees in Michigan found that of participants that were able to find employment, 80% of them earned incomes below the poverty line (Morenoff & Harding, 2011). Unemployment is also linked to recidivism. If low-skill employment opportunities are available in a community when an inmate returns to said community, then their risk of recidivism is lowered (Bellair & Kowalski, 2011).

Young, black men with low levels of education experience incarceration at higher rates than any other groups (Petit & Gutierrez, 2018). Young black men and young white men report committing similar rates of crime, however black men experience more surveillance and interaction with police, and so have higher rates of incarceration (Petit & Gutierrez, 2018). Black men under the age of 35 who lack a high school diploma have a higher likelihood of being imprisoned (37% likelihood) than to be employed (26%) (Western & Muller, 2013). Young black men often can be significant contributors to their family's income. The loss of their income when they become incarcerated can put families at greater risk for experiencing poverty, or further push them into poverty (DeFina & Hannon, 2013). For this reason, research shows that the increase in rates of incarceration has increased the rate of poverty (DeFina & Hannon, 2013). Imprisonment rates are also more highly concentrated in impoverished urban minority communities, most often removing high rates of young minority males from these communities. This has severe negative impacts on communities, by breaking up families, removing economic contributors, creating tensions and often increasing crime rather than decreasing crime (Smith, 2012). Thus the high rate of imprisonment of individuals in these communities further contributes to the communities' experience of poverty, as even when individuals reenter the

community they experience decreased economic stability, furthering the cycle of poverty (Smith, 2012). This evidence shows how mass incarceration plays a big role in reinforcing racial and wealth disparities between populations.

Community Psychology Lens (JV)

Unequal exposure of vulnerable populations to the criminal justice system is associated with public policies and practices. By creating a higher rate of incarceration in specific populations, a gap between underprivileged and more privileged communities is often seen. This gap makes it difficult for underrepresented members in a community to overcome the disadvantages they face. While the effects of incarceration and acts of oppression hinder the physical and mental health of the individual, they also impact children, families, and entire communities (Petit & Gutierrez, 2018). Mass incarceration along with other contacts within the criminal justice system like police stops and community-based supervision have direct consequences on employment, wages, political engagement, overall health, and neighborhood stability (Petit & Gutierrez, 2018).

An issue that is often overlooked in relation to mass incarceration is the connection between the postwar period to the 1960's and how incarceration impacted the American labor movement. During this period both public and private employers began to exploit those imprisoned on a regular basis, compromising the free-working class, and racial inequalities among individuals became prevalent (Thompson, 2010). Although a steady increase in the labor movements' power and prominence was seen in the early 1930's, a great decline in power was witnessed later in the century. This decline in power can be directly correlated to unsuccessful bargains between management, dysfunction within the union, and deinstitutionalization. In the

face of declining power, restrictions on the use of prison labor were eliminated as a steady

increase of the prison population was observed. Up until the mid-twentieth century, the notion of

cheap labor was a crucial part of the American economy for both the Northern and Southern

parts of the country (Thompson, 2010). As a result of the high demand for cheap labor and an

increased incarceration rates, an incentive was instilled to incarcerate more and more people.

An estimated 25 million people are pulled over a year for routine traffic stops that result

in fees and or fines, allowing for the criminal justice net to grow. Misdemeanors and minor

infractions also have a negative impact on the interactions between people and law enforcement,

even if the interaction does not result in jail or prison time (Petit & Gutierrez, 2018). Similarly,

concentrated traffic stops among African Americans that have proven to be unnecessary and

often excessive, fuel racial inequality within the criminal justice system. The socio-demographic

dissimilarity in punishment among convicted adults emanates unequal representation within the

criminal justice system and the consequences for family members, children, and communities

(Petit & Gutierrez, 2018). Concentration of incarceration, along with system involvement can be

linked to shifts in policing, prosecution, and sentencing that disproportionately affects

disadvantaged groups (Petit & Gutierrez, 2018).

The war on drugs that has primarily been focused in communities of color, has also had a

significant influence on the rates of mass incarceration. Although people of color are just as

likely to sell and or use illegal drugs as white people, people of color receive higher offenses

(Tucker, 2017). The numbers indicate that African Americans make up 14% of those who

regularly use drugs, but 37% are actually arrested for drug offenses. Additionally, African

Americans receive a 10% longer sentence than white offenders, even for the same crime (Tucker,

2017). According to the Sentencing Project, African Americans are 21% more likely to receive

mandatory-minimum sentences and 20% more likely to be sentenced to prison than white

individuals (Tucker, 2017).

These statistics show that African American men and women are more likely to be

convicted for drug related crimes and disenfranchised. Evidence also suggests that African

Americans and Latino drug dealers have a greater chance of being arrested, because their

activities take place in "open air public" drug markets; nonetheless, police officers choose to

pursue open air drug markets, with a higher concentration of minorities, ignoring locations where

white individuals sell drugs (Tucker, 2017 p. 142). Hence why the war on drugs has been

considerably difficult for those of color as individuals and at the community level (Tucker,

2017).

Another considerable element to the severity of mass incarceration is the school to prison

pipeline. The pipeline can be described as an increasing trend where school policies and

practices are used to criminalize students rather than educate them (Thomas, 2013). One of the

first indications of a child's exposure to the pipeline is often through the zero tolerance

disciplinary policies enforced by schools, which has a disproportionate impact on students of

color as well as students with disabilities and emotional problems (Thomas, 2013). Students

involved in the pipeline are often placed in juvenile justice facilities, although behaviors do not

indicate any signs of danger to themselves, other students, their school, and or community

(Mallett, 2016). The underlying problem for childrens' involvement in the pipeline lies within

their communal environment: poverty, trauma, mental health struggles, deficits developmentally

and/or cognitively, among other things (Mallett, 2016). For young people of color, the risk of

having negative interactions with the law is so systemic that from the time they are young the

fear of imprisonment becomes a grave reality. "The prospect of going to jail or prison is

ingrained in the lives of young black men as is the prospect of going on vacation for young

wealthy whites" (Thomas, 2013, p. 178). The gap of educational achievement between white

communities and communities of color is a major disadvantage towards people of color, leading

to further inequalities (Thomas, 2013). Public policies, like the war on drugs and the

criminalization of disadvantaged children in schools, allows for a continued increase of

incarceration rates among communities of color and social inequalities, giving a clear indication

that our failed justice system will in turn remain the same.

References

8 Oldest Prisons in America. (2019, February 3). https://www.oldest.org/structures/prisons-us/

ACLU. (n.d.). Mass Incarceration. https://www.aclu.org/issues/smart-justice/mass-incarceration

Bellair, P. E., & Kowalski, B. R. (2011). Low-Skill Employment Opportunity and African

    American-White Difference in Recidivism. *Journal of Research in Crime and*

    Delinquency, *48*(2), 176–208. https://doi.org/10.1177/0022427810391536

Creighton, M. J., & Wozniak, K. H. (2019). Are racial and educational inequities in mass

    incarceration perceived to be a social problem? results from an experiment. *Social*

    Problems, 66(4), 485-502. doi:10.1093/socpro/spy017

Criminal Justice Facts. (2019). https://www.sentencingproject.org/criminal-justice-facts/

Criminal Justice Fact Sheet. (n.d.). https://www.naacp.org/criminal-justice-fact-sheet/

DeFina, R., & Hannon, L. (2013). The Impact of Mass Incarceration on Poverty. *Crime &*

    Delinquency, 59(4), 562–586. https://doi.org/10.1177/0011128708328864

Fornili, K. S. (2018). Racialized Mass Incarceration and the War on Drugs. *Journal of*

    Addictions Nursing, 29(1), 65–72. doi: 10.1097/JAN.0000000000000215.

Gilna, D. (2017, May 5). Report Says Private Prison Companies Increase Recidivism.

    https://www.prisonlegalnews.org/news/2017/may/5/report-says-private-prison-companies
    -increase-recidivism/

Greenfeld, L. A., & Smith, S. K. (1999, February). American Indians and Crime. https://bjs.gov/

Haney, C. (2012). Prison Effects in the Age of Mass Incarceration. The Prison Journal.

King, D. S., & Page, J. M. (2018). Towards transitional justice? Black reparations and the end of

mass incarceration. *Ethnic and Racial Studies, 41*(4), 739-758.

doi:10.1080/01419870.2018.1381341

Mallett, C.A. The School-to-Prison Pipeline: A Critical Review of the Punitive Paradigm Shift.

Child Adolesc Soc Work J 33, 15–24 (2016). https://doi.org/10.1007/s10560-015-0397-1

Morenoff, J. D., & Harding, D. J. (2011). *Final Technical Report: Neighborhoods, Recidivism,*

and Employment Among Returning Prisoners. Washington, DC: National Institute of

Justice. https://www.ncjrs.gov/pdffiles1/nij/grants/236436.pdf

Pettit, B. and Gutierrez, C. (2018). Mass Incarceration and Racial Inequality. *American Journal*

of Economics and Sociology, 77: 1153-1182. doi:10.1111/ajes.12241

Sawyer, W., & Wagner, P. (n.d.). Mass Incarceration: The Whole Pie 2019.

https://www.prisonpolicy.org/reports/pie2019.html

Seslowsky, E. (2018, December 8). Bryan Stevenson says 'slavery didn't end in 1865, it just

evolved'. https://www.cnn.com/2018/12/07/politics/bryan-stevenson-axe-files/index.html

Smith, J. M. (2012). Maintaining racial inequality through crime control: Mass incarceration and

residential segregation. *Contemporary Justice Review, 15*(4), 469-484.

doi:10.1080/10282580.2012.734577

Terwiel, A. (2019). What Is Carceral Feminism? *Political Theory*, 009059171988994. doi:

10.1177/0090591719889946

Thomas, J. M. (2013). Mass incarceration of minority males: A critical look at its historical roots

and how educational policies encourage its existence. *Race, Gender & Class, 20*(1/2),

177-190.

Thompson, H. (2010). Why Mass Incarceration Matters: Rethinking Crisis, Decline, and

      Transformation in Postwar American History. *Journal of American History*, 97(3),

      703-734.

Tucker, R. (2017). The Color of Mass Incarceration. *Ethnic Studies Review*, *37*(38), (135-149).

Wildeman, C., & Wang, E. A. (2017). Mass incarceration, public health, and widening inequality

      in the USA. *The Lancet, 389*(10077), 1464-1474.

      doi:http://dx.doi.org.une.idm.oclc.org/10.1016/S0140-6736(17)30259-3