

Poverty, criminal justice, and social justice

Bruce Western

TAKEAWAYS

The rate of incarceration in the United States has grown dramatically since the early 1970s, greatly outpacing that of Western European and other OECD countries; approximately 6.6 million people are currently under some type of correctional supervision in the United States.

Mass incarceration criminalized social problems related to racial inequality and poverty on a historically unprecedented scale, contributing to the reproduction of poverty and racial inequality.

Long histories of exposure to violence and other trauma in childhood are common among those who have been incarcerated.

People tend to leave prison in very poor physical and mental health; those exposed to the most trauma in childhood had the worst health in adulthood.

There is a deep level of material hardship in the first year after leaving prison, especially among those with the most physical and mental health traumas.



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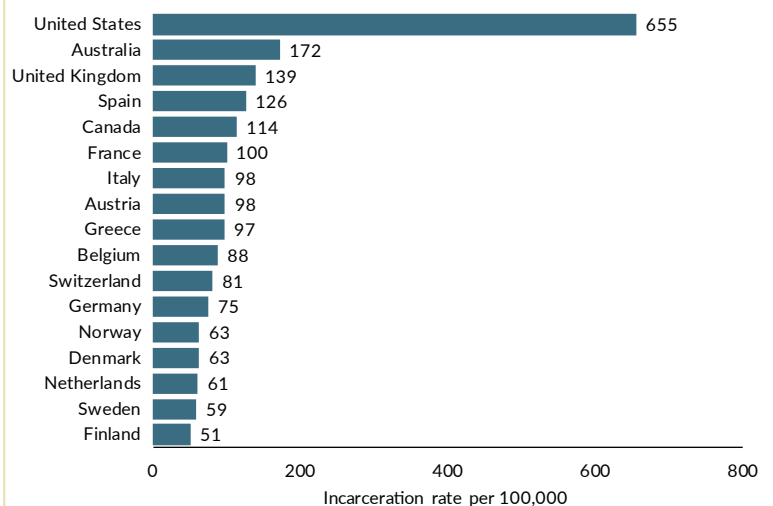
The problem of mass incarceration is strongly related to the problem of poverty; mass incarceration is the byproduct of the vast deficit of public investment, particularly in poor communities of color. In these communities, people are not only short of money, but also experience a multitude of disadvantages, including poor health, insufficient schooling, and inadequate public safety. This is the landscape in which the public policy of criminal punishment has grown. In this article, I describe three methodologies I have used to explore and understand mass incarceration in the United States: demographic analysis of U.S. incarceration as a whole; an in-depth study of people in the year after their release from prison in one American city; and personal narratives from those former prisoners. I argue that mass incarceration is intimately connected to the very harsh conditions of poverty in the United States, and that meaningful criminal justice reform will need to account for this reality, both in its policy specifics and in its underlying values.

Measures of incarceration in the United States

A country's incarceration rate can be measured as the proportion of the population who are incarcerated on any given day. Figure 1 shows that in other OECD countries, this rate is about 100 per 100,000. However, in the United States, the rate is over six times higher at 655 per 100,000 (Figure 1).

The incarceration rate has also grown very steeply over time. As shown in Figure 2, from 1925 to the early 1970s, the imprisonment rate for sentenced prisoners in the United States was about 100 per 100,000, very similar to the current rates in Western Europe. However, beginning in the early 1970s, the rate began to grow, and

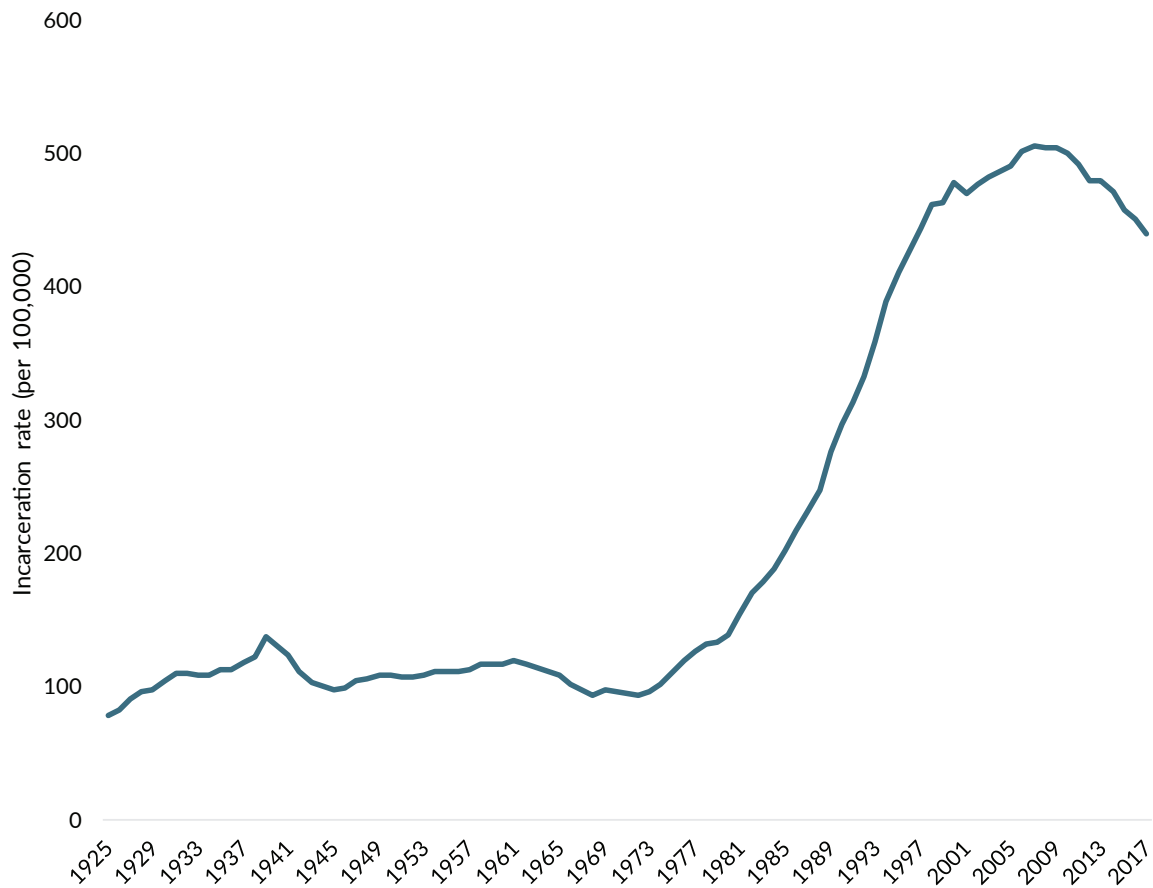
Figure 1. The rate of incarceration in the United States in 2018 was over six times that of selected OECD countries.



Note: Figure shows total rates of imprisonment, including pre-trial detainees and those who have been convicted and sentenced.

Source: R. Walmsley, *World Prison Population List: Twelfth Edition*, Institute for Criminal Policy Research, University of London, 2018. Rates reported for selected Organization for Economic Cooperation and Development (OECD) countries. Available at: https://www.prisonstudies.org/sites/default/files/resources/downloads/wppl_12.pdf.

Figure 2. Beginning in the 1970s, the U.S. rate of imprisonment for sentenced prisoners began to rise steeply, and now stands at about five times its historic average.



Note: Figure shows imprisonment rates for sentenced prisoners who have received a sentence of more than one year in state or federal prison.

Source: 1925 to 2012 data are from the Sourcebook of Criminal Justice Statistics, Table 6.28.2012; 2013 to 2017 data are from the Bureau of Justice Statistics, "Prisoners in 2017," Tables 3 and 5.

continued to increase every year for the next 35 years. While the rate has decreased slightly over the last 10 years, it is still about five times higher than its historic average.

The imprisonment rate includes people who are convicted of felonies and are serving at least 12 months in state or federal prison.¹ By 2013, 1.57 million people were in state or federal prison. While the average sentence length was around 28 months, about 50,000 of the 1.57 million were serving so-called natural life sentences; life without the possibility of parole. This compares to only about 50 people in all of Western Europe. Longer sentences in the United States contribute to the high incarceration rates.

The imprisonment rate, however, tells only part of the story, as there are several different types of community supervision (see text box). Figure 3 shows trends over time in the number of people in state or federal prison, local jails, on parole, or on probation. At the end of 2016, around 6.6 million people

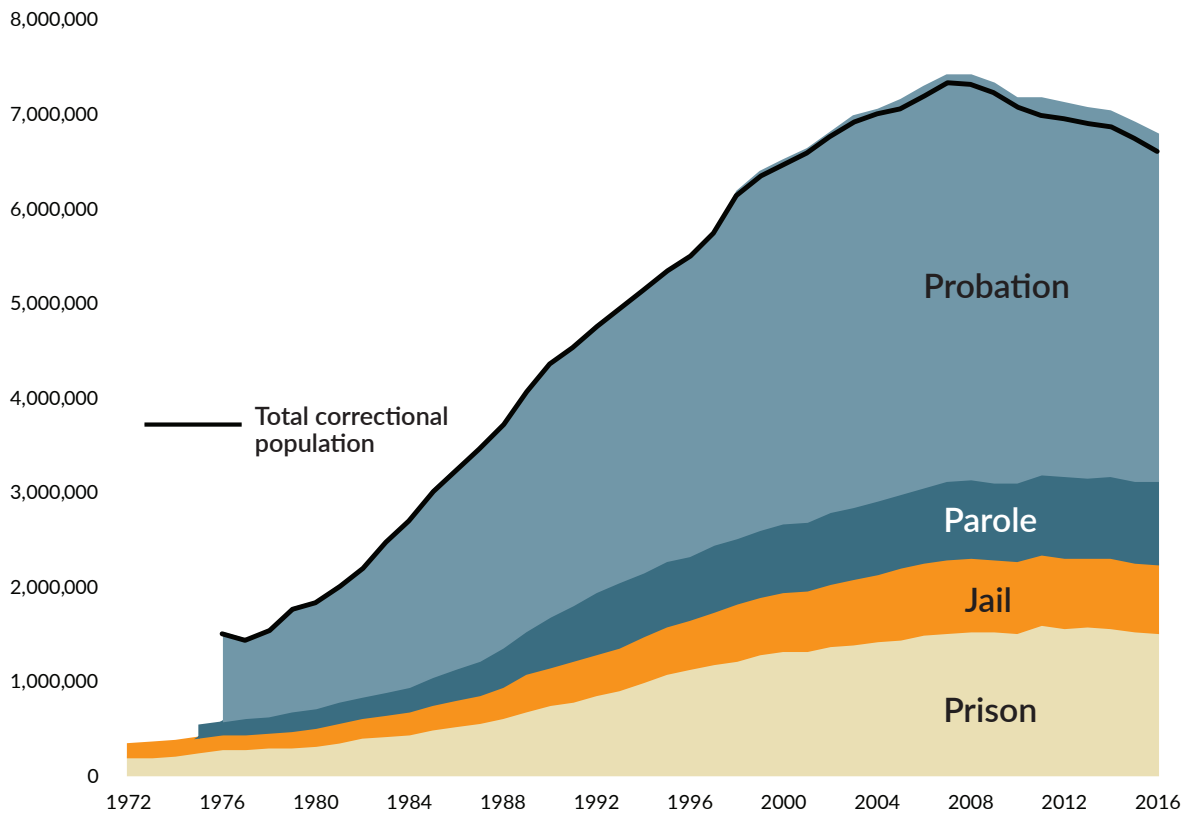
Types of correctional supervision

- **State or federal prison**
- **Local jail:** For those awaiting trial, or serving shorter sentences.

Community supervision: Supervision of individuals convicted of crimes within a local community rather than in a correctional institution. The two most common types of community supervision are parole and probation. Individuals must comply with conditions of supervision, which may include residence in a halfway house or participation in substance abuse treatment, mental health service, or employment services. Conditions of community supervision differ by state and locality.

- **Parole:** Community supervision following release from prison.
- **Probation:** Community supervision in lieu of incarceration.

Figure 3. The total number of people under correctional supervision includes those in prison, in jail, on parole, or on probation; around 6.6 million people in the United States were under some kind of correctional supervision in 2016.



Notes: Figure shows total correction population, including state and federal prison, local jail, and probation and parole populations, 1972 to 2016. Individuals can have more than one correctional status, so the total correctional population may be less than the sum of those in each status.

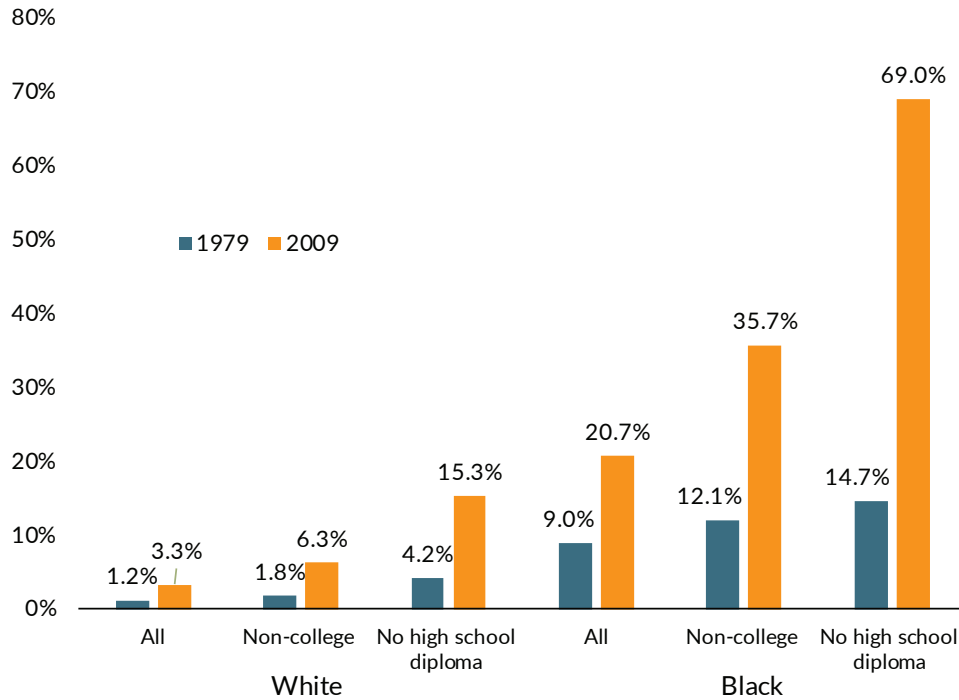
Source: 1972 to 1979 data were compiled from the Sourcebook of Criminal Justice Statistics for *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, National Research Council Committee on Law and Justice, National Academy of Sciences, April 2014; 1980 to 2016 data are from the Bureau of Justice Statistics, Annual Probation Survey, Annual Parole Survey, Annual Survey of Jails, Census of Jail Inmates, and National Prisoner Statistics Program.

were under correctional supervision in the United States.² The number of people on probation exceeds the number under any other type of correctional supervision, combined, and has grown dramatically in recent years.

Inequality in incarceration

Another way to measure incarceration is to look at the probability that a given individual will ever be incarcerated. In work done with Becky Pettit, we considered two birth cohorts: those born in 1945 through 1979, who reached their mid-30s in 1979, largely before the great explosion in incarceration in America; and those born 30 years later, who reached their mid-30s in 2009.³ Figure 4 shows black and white men's probability of imprisonment by age 30 to 34 for these two cohorts by level of schooling. The figure shows that among the older cohort, African Americans were about six to seven times more likely to be incarcerated than whites, with a notable educational gradient in incarceration. For the younger cohort, the inequality of race and level of education is much more extreme; nearly all the growth in incarceration over the last 35 years was concentrated in the non-college fraction of the population. We estimate that for the younger cohort, 36 percent of non-college black men have been to prison at some point in their lives; for black men who never completed high school, this rate is 70 percent. Note that these high probabilities of imprisonment are occurring in the late 2000s, a time when crime is historically low; the homicide rate, for example, is at its lowest level since the early 1960s. Because of drastic changes in criminal justice policy, with imprisonment

Figure 4. The probability that a man will be incarcerated is much higher for blacks compared to whites, and rises as the level of educational attainment falls; these differences expanded greatly over the 30 years from 1979 to 2009.



Note: Figure shows the cumulative probability of male incarceration by age 30 to 34.

Source: B. Pettit, B. Sykes, and B. Western, "Technical Report on Revised Population Estimates and NLSY79 Analysis Tables for the Pew Public Safety and Mobility Project" (Harvard University, 2009).

becoming the presumptive sentence for a felony offense, an entire generation of very disadvantaged black men are incarcerated.

A great deal of research has been done to determine the causes of the dramatic increase in incarceration in the United States, and the ensuing consequences of that increase. Overall, the literature suggests that the rise in incarceration is due to policy changes that criminalized social problems related to racial inequality and poverty on a historically unprecedented scale during the 1960s and 1970s, a period of rising crime and social and political change. These social problems include, for example, untreated addiction, mental illness, and homelessness—all of these social problems have become criminalized, and people affected by these issues are incarcerated at very high rates.

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As to the consequences of mass incarceration, most research suggests that the crime-reducing effect of incarceration is small; some studies also find that the size of the effect decreased as the rate of incarceration increased. Research on the crime-deterrent effects

of the length of time served is more definitive; the probability of apprehension appears to deter would-be offenders much more than the increase in sentence duration. Because recidivism decreases significantly with age, lengthy prison sentences (unless targeted specifically to the most dangerous or prolific offenders) provide an inefficient route to crime prevention.

Research has also examined the effects of incarceration on outcomes such as employment and earnings, health, mortality, and the well-being of children whose parents are incarcerated. The negative effects of incarceration—on economic opportunities, health, mortality, and the well-being of children—are concentrated in communities that were already disadvantaged. This has contributed to the reproduction of poverty, both over the life course and from one generation to the next, and significantly deepened racial inequality.

Quantitative analysis has three major limitations: it provides only a thin statistical portrait; the social process of reentry is neglected; and survey methods often miss men who are disadvantaged and not strongly attached to households—those who are at greatest risk of incarceration.

A National Research Council consensus panel on the causes and consequences of the growth of incarceration in the United States provides a thorough review of the research. The panel's primary recommendation was that, given the small crime prevention effects of incarceration, and the possibly high financial, social, and human cost of incarceration, federal and state policymakers should revise current criminal justice policies to significantly reduce the rate of incarceration in the United States. Such a reduction would return the country to international and historical norms.⁴

The quantitative analyses that the National Research Council panel reviewed, including my own work exploring the effects of incarceration on labor markets and families, utilized large social survey data sets such as the National Longitudinal Survey, the Fragile Families Survey, and the Current Population Survey. While these data provide a great deal of statistical power, large-scale quantitative analysis of incarceration has three major limitations. First, the analyses provided only a thin statistical portrait of those at risk of incarceration. In my teaching inside prisons, I spoke to many incarcerated people and heard much of their life histories and the pathways that ultimately led them to prison. However, this depth of experience was being reduced in my quantitative analyses to four socioeconomic variables: age, race, sex, and schooling. Second, there was little detailed analysis of the social process of returning to a community after release. Third, social survey methods, which are often based on household sampling frames, likely miss many of the people who were at greatest risk of incarceration; men who are disadvantaged and not strongly attached to households.

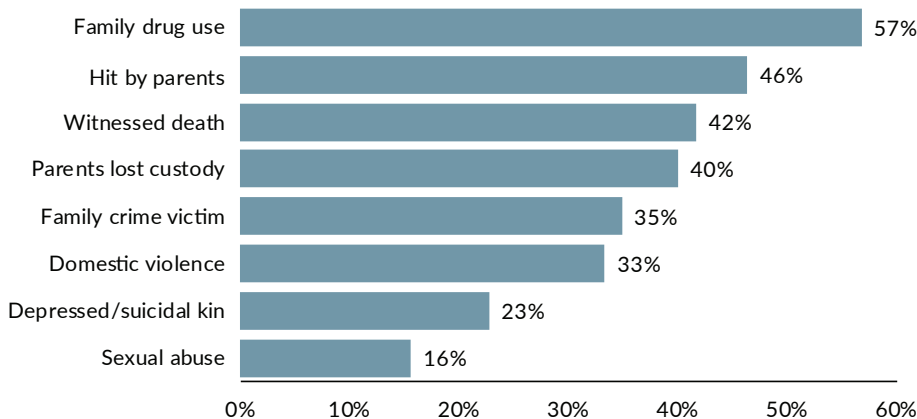
The Boston reentry study

To address these limitations, I collaborated with Anthony Braga from Northeastern University and Rhiana Kohl at the Massachusetts Department of Correction to develop the Boston reentry study. This was a small longitudinal interview study—a field study—of a sample of 122 men and women leaving state prison in Massachusetts for communities

in the Boston area. Participants were interviewed five times over a period of a year, beginning a week before their release, with follow-up interviews two weeks later, two months later, six months later, and finally one year later. In-prison interviews included questions about pre-prison education, employment, involvement in crime, and drug use; their in-prison activities including program participation and peer networks; and their expectations for post-prison life, such as housing and employment plans. After release from prison, interviews focused on the structure and dynamics of respondents' households and families, housing, employment, drug and alcohol use, and participation in welfare and other programs. This provided a very rich set of data, and while analysis is still ongoing, three major findings have emerged. First, most participants had very long histories of exposure to violence as victims and as witnesses, often going back to their early childhood. As these details emerged during the study, we redesigned our survey instrument so that the final interview would include a set of questions to capture the exposure of our respondents to trauma in early childhood (Figure 5). The most common childhood trauma was growing up with a family member who struggled with serious drug problems, reported by about 60 percent of the sample. Other common traumas, reported by around 40 to 50 percent of respondents, were parental physical abuse; having witnessed a violent death; and being placed with someone other than their parents, including into foster care or juvenile detention. Traumas reported by approximately one-third of the sample included having a family member be a crime victim, being exposed to domestic violence, and having depressed or suicidal family members. Nearly one in five respondents reported that they had been sexually abused as children. From the list of eight major childhood traumas shown in Figure 5, two-thirds of the sample had experienced three or more.

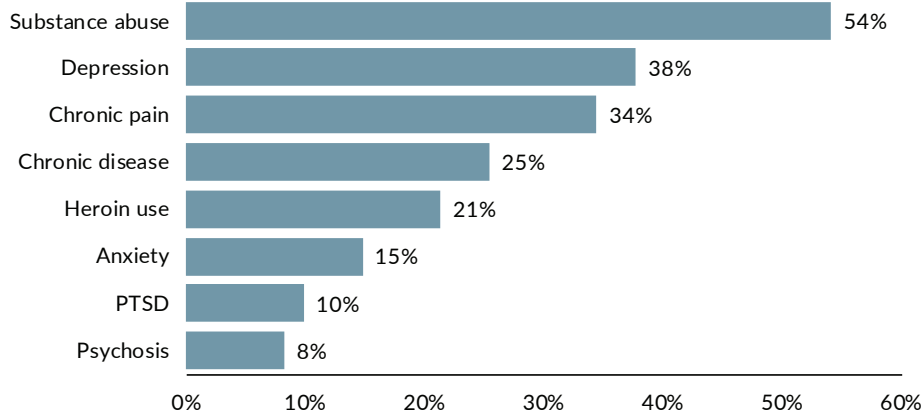
Most participants had very long histories of exposure to violence as victims and as witnesses, often going back to their early childhood.

Figure 5. Those leaving prison reported high rates of exposure to trauma during early childhood; the most common childhood trauma was growing up with a family member who struggled with serious drug problems.



Source: The Boston Reentry Study.

Figure 6. Poor physical and mental health—particularly substance abuse, mental illness, and chronic pain or disease—were common among those leaving prison.



Source: The Boston Reentry Study.

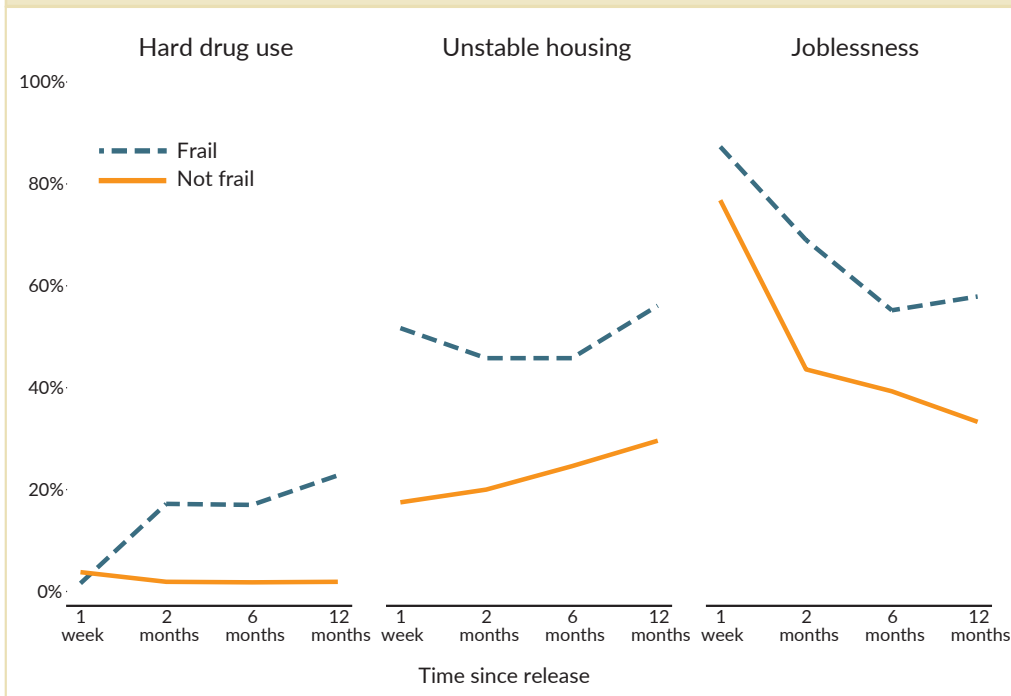
Second, we found very high rates of poor physical and mental health among those leaving prison. This included very high rates of substance abuse, mental illness, and chronic pain or disease (Figure 6). About 15 percent of our sample had been diagnosed with a serious mental illness including psychosis, bipolar disorder, schizophrenia, and schizoaffective disorder. About half of our sample reported four or more physical or mental health problems.

Third, we found a very deep level of material hardship in the first year after prison. The median income in our sample in the first year after prison in Boston was \$6,000, about half the federal poverty line for an individual living alone.

We also found notable connections between childhood trauma, physical and mental health, and material hardship after leaving prison. Those exposed to the greatest trauma in childhood were in the worst health in adulthood. Similarly, those reporting four or more physical or mental health problems (referred to here as “frail”) were most likely to experience material hardship after release from prison (Figure 7). For example, housing instability—living on the street, in a shelter, staying with family or friends, or in a transitional housing program—was concentrated among those with the most serious health problems, while those with less serious health problems tended to live in private independent housing. As would be expected, joblessness was high among all sample members immediately after release from prison, and then declined over the course of the year. However, those with the most serious health issues were the least likely to become employed; by the end of the year, nearly 60 percent were out of work, compared to only about one-third of those with less serious health problems. Use of hard drugs was also much higher one year after release among those in poorer health.

Those exposed to the greatest trauma in childhood were in the worst health in adulthood.

Figure 7. Unstable housing, joblessness, and hard drug use in the year after release were concentrated among those in poorer health.



Note: “Frail” refers to those with four or more physical or mental health problems.

Source: The Boston Reentry Study.

While the data from the Boston reentry study did provide much more detail about the experience of those who have been incarcerated compared to analyses that rely on large-scale data sets, the analysis is still quantitative, and misses much of the detail of people’s lives. In the next section, I share one of the personal narratives we heard, which is illustrative of the types of histories we heard in our study.

Personal narrative of incarceration and release

My book *Homeward: Life in the Year After Prison* tells many of the stories we heard during interviews with the Boston reentry study participants.⁵ The book aims to capture more of the lives of study participants than the statistical analyses, and also to provide a more intimate view of mass incarceration. This excerpt illustrates the transition from prison to community. In particular, it shows that personal motivation and family support could ease reentry:

Peter was an older black man in his late forties with salt-and-pepper hair and an elegant bearing. He arrived early for our interview a week after his release. Waiting on the street, he was hesitant to face the crowd inside the diner in Mattapan. We began the interview by asking Peter what the best part about being out was for him.

“Breathing fresh air,” he said.

“What’s the most challenging thing?”

“Being around a bunch of people. Just being in public areas.”

Five years before we first met Peter, he was just out of prison on an earlier sentence in a history of incarceration that had consumed most of his adult life. He was out for two years, before going back in for another three. His previous release, he said, was a rehearsal for his current reentry. “When I was incarcerated that last trip, I pretty much knew what I had to do,” he said.

Although he got anxious in crowds, Peter began his latest release with a flurry of activity. He came home on a Friday, and that morning he bought clothes and got a haircut. He spent time with his sister that first day and stayed over at her house. Five other people were living in his sister's house, including her fiancé, one adult son, and two younger children. Peter worried that he was a burden on what was already a crowded family home. He could have stayed with his father, but his father drank. His brother also stayed there and he was dealing drugs. "Being at my father's wasn't a healthy situation. My sister's is the safest place for me," he said.

Peter spent his first weekend home with his 9-year-old son. They talked, did some shopping, and went to the movies. On his first Monday after getting out, he reported to probation in the morning, then visited his father in the afternoon. On Tuesday he enrolled in food stamps, then met with his older son later in the day. He went to the welfare office again on Wednesday, then visited his younger son's school to introduce himself to the boy's teachers. Thursday was mental health counseling. By the end of his first week out, Peter had spent time with two of his three children, enrolled in food stamps, obtained a mass transit card, made an appointment for counseling, checked in with several shelters, and visited a career center. The following week he would begin his job search.

As noted in the previous section, violence was a pervasive and lifelong presence in the lives of the people we interviewed. They came from homes that were unsafe, experienced and observed abuse in their homes and communities. Their imprisonment was often due to participation in a violent crime, and prison itself was a source of violence. For example, Luis, a 33-year-old Puerto Rican man who grew up in a very poor, high-crime neighborhood in Brooklyn, New York, had spent about half of his adult life incarcerated for assault and dealing drugs. At the baseline interview one week before his release, Luis noted that during his most recent 10-month period of incarceration, he had witnessed between six and 10 assaults involving other inmates, and an additional three to five assaults involving prison staff. He said that his neighborhood was safer than prison. This and other experiences recounted to us raise the question of whether incarceration on a massive scale could ever be a successful anti-violence strategy.

As I argue in the book, the overwhelming reality faced by people who have been to prison is characterized by poverty, racial inequality, and violence. As researchers and policymakers consider criminal justice reform, understanding and discussing these issues in a productive way presents

Research to watch

In the United States today, roughly 1 in 14 children has experienced a co-resident parent leaving to spend time behind bars, with low-income children of color disproportionately affected. Millions of children visit their father or mother in jail or prison each year, with jail visits being the most common. In jails, parent-child visits usually occur with a barrier such as plexiglass between the parent and child or through a video monitor in the jail. Previous research has found that visits behind glass have the potential to lead to increased behavior problems and anxiety in children, especially when they are young. Because of this, an interdisciplinary team of faculty at the University of Wisconsin–Madison is setting out to change that. Principal Investigator Julie Poehlmann-Tynan, with Co-Investigators Michael Massoglia, Paja Charles, Karen Holden, Margaret Kerr, and Lesley Sager, hope to provide valuable insight on how to structure parent-child visits when a parent is in jail. Their project, "Improving Outcomes for Incarcerated Parents and Their Children through Enhanced Jail Visits" began in 2018, and seeks to bring about transformative change in the lives of incarcerated mothers and fathers, at-home caregivers, and children, through enhanced visits. Family visits in jail are a key opportunity to maintain parent-child relationships and decrease recidivism for incarcerated individuals, and making it a positive experience for family members is important. In the short-term, this project will develop and examine the feasibility, acceptability, and preliminary efficacy of a multi-level intervention strategy to improve family visits between children and a parent who has been incarcerated in the Dane County Jail in Madison, Wisconsin. The intervention will focus on fostering positive family interactions through coaching during jail and home visits and promoting correctional systems- and facility-level changes that support child-parent contact, such as offering in-home visits. In the long-term, the researchers plan to evaluate a well-designed intervention to improve behavioral outcomes and family relationships for children with incarcerated parents as well as reduce recidivism for incarcerated fathers and mothers. One innovation that the team is implementing involves giving tablets to families so that children can have in-home video visits with their incarcerated parent, as many children want to see their parents but dislike being in the jail environment. Another innovation involves providing visit-coaching to incarcerated parents and children's at-home caregivers. The coaching is designed to help parents and caregivers reflect on their role in supporting their child during visits and to take the child's perspective, in addition to focusing on the positives of the moment instead of focusing on the separation and loss during the visit. The study will examine multiple levels of child and family well-being, including children's stress hormone levels and behavior problems, quality of parent-child interaction, caregiver and parent financial security and parenting stress, employment and incarceration history, parental recidivism, and involvement with child protective services.

a challenge, particularly the issue of violence. Understanding the context in which crime occurs is essential to finding justice.

Alternatives to incarceration

While we usually think about incarceration as the deprivation of liberty or a loss of autonomy, it is important to note that the men and women in the Boston reentry study were also disconnected in ways from the intimate bonds of family, friendship, work, and community. I believe that the fundamental justice challenge involves precisely strengthening the bonds of family and community for victims of violence and offenders alike. Incarceration is not designed to meet that challenge. Policies that improve the material well-being of people and empower them will help meet the challenges of poverty and human frailty that underlie mass incarceration. Designing social policy according to these principles will help relieve the justice system of much of its responsibility for the very harsh conditions of American poverty.

The great paradox of mass incarceration is that the system demands heroic feats of personal transformation from people whose agency, whose capacity to intervene in their own lives, is often profoundly compromised by trauma and human frailty. We need a justice policy that welcomes people, and secures a place for those who have been drawn into violence, whether it's the violence of street crime or the state violence of mass incarceration.

Observing real conditions of the poverty, racial inequality, and violence that surrounds mass incarceration provides a strong test of our values. By testing our values in this way, I hope that we might imagine a better path to justice.

I end with a story from the preface of *Homeward*, intended to suggest the possibility that might lie in front of us:

While conducting research for this book, I made several visits to Addis Ababa for a project studying justice institutions in Ethiopia. At dinner one evening with a few Ethiopian researchers, one of them, Mulagetta, told me about a colleague at his research institute, a German anthropologist. One day the anthropologist was in a remote area driving through a small village. His car fatally struck a small child who had strayed onto the road. The girl's parents ran outside to see what happened, and a crowd quickly formed around the anthropologist.

He asked that the police be called but was told that there were no police there. The village dealt with matters like this by itself. The anthropologist was told that he could go, but that they would send for him in a few days. Later that week a message came that he must return, and he was told to return alone. He went to Mulagetta and asked what should he do. "You have to go back to the village," said Mulagetta. So he returned. When he arrived, he was escorted to a meeting with the elders. They told him to pay 2,500 Birr (about \$125) to the family of the dead child. Next, he was ordered to buy a goat for the family. He purchased the goat, which was immediately slaughtered. The father of the dead child was called to the front of the meeting. The anthropologist, standing at the front of the room, was told to hold out his hand. He held out his hand and his wrist was bound to the wrist of the child's father with the entrails of the goat.

The village elders announced that the anthropologist was now a member of the dead girl's family. And that was that. He was free to go.

The anthropologist returned to Addis, very upset. He felt that he hadn't properly compensated the family, nor had he been punished. Mulagetta said, "You have to understand, for the rest of your life, you are now part of that man's family. You have all of the obligations of a family member. You have to visit from time to time. If they are going through problems that you might help with, you should help them just as a member of their own family would."

Western ideas about punishment and retribution were radically absent in this case of customary justice. Like the Ethiopian story, the problem of prisoner reentry raises the question of when punishment ends. When and how are debts extinguished? These questions are as ethical as they are empirical.

In my work, I have tried to maintain this ethical perspective. In order to guide politics or policy, the ethics of punishment must confront the real stories of the people who have been incarcerated. How our research is designed shapes what we see and who we hear. However, very deeply disadvantaged people are often not fully visible to our usual methods of large-scale data collection. To see and hear these people, we must go into the field and talk to them. Observing real conditions of the poverty, racial inequality, and violence that surrounds mass incarceration provides a strong test of our values. By testing our values in this way, I hope that we might imagine a better path to justice. ■

Bruce Western is the Bryce Professor of Sociology and Social Justice and Co-Director of the Justice Lab at Columbia University. He delivered the 2019 Robert J. Lampman Memorial Lecture at the University of Wisconsin-Madison in April. This article is adapted from his lecture.

Type of analysis: Longitudinal interview study

Data source: Interviews over a period of a year: at one week before release; two weeks later; two months later; six months later; and one year later.

Type of data: Interviews including open-ended questions

Unit of analysis: Individuals

Sample definition: 122 men and women leaving state prison in Massachusetts for communities in the Boston area.

Time frame: Recruitment occurred May 2012 through February 2013.

Limitations: Sample is small and from one particular geographic area.

¹What constitutes a felony is defined by state and federal legislatures. Felonies include violent crimes such as murder, sexual assault, robbery, and aggravated assault, but may also include burglary and drug crimes.

²Prison, parole, and probation counts are as of December 31st, 2016; jail counts are as of June 30, 2016. Note that some people were in more than one correctional status, so the total estimated correctional population is slightly less than the sum of those in prison, in jail, on parole, or on probation.

³B. Western and B. Pettit, "Incarceration & Social Inequality," *Daedalus* Summer 2010: 8–19.

⁴*The Growth of Incarceration in the United States: Exploring Causes and Consequences*, National Research Council Committee on Law and Justice, National Academy of Sciences, April 2014.

⁵B. Western, *Homeward: Life in the Year After Prison* (New York: Russell Sage Press, 2018).