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Leveraging the Moment: Resources for High Incarceration Communities

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The coalition in support of criminal justice reform is expanding. I recently had the opportunity to present at the League of Women Voters' national convention. In a meeting room at a Washington area hotel, older women from suburban communities in Missouri and Arizona were very concerned about the nation's "war on drugs" and the failures of our prison system.



Nicole Porter (center), with Noah Bookbinder, Bandy Lee, Fiona Doherty, and Marie Gottschalk (left to right).

That afternoon underscored just how far the conversation has progressed in the past decade. Leaders from different ideological perspectives are calling for changes to the nation's criminal justice system. Newt Gingrich, the former Republican Speaker of the House, recently announced an effort to lower the nation's incarceration rate by fifty percent by 2050. And earlier this year, Attorney General Eric Holder announced a significant expansion of the federal clemency process in order to reduce excessive prison terms for low-level drug offenders.

At the state level, there has been a significant shift in criminal justice policy too. After nearly four decades of steadily rising imprisonment – a 500% increase since 1972 – prison populations have started to decline. More than half the states have scaled back their mandatory sentencing laws. California voters scaled back that state's draconian "three strikes and you're out" law in 2012. The law resulted in high profile cases like Curtis Wilkerson who was sentenced to 25 years to life on a third strike for shoplifting socks worth a few dollars. These changes have led to a decline in the nation's prison count by 4% since its 2009 peak and represent growing consensus.

And yet, any optimism should be tempered by the very modest rate of decline, 1.8 percent in recent years; at this rate it will take until 2101 -- 87 years -- for the prison population to return to its 1980 level. The nation's scale of incarceration demands an approach that can improve public safety and address the destructive effects that mass incarceration and harsh punishment have visited disproportionately upon individuals and communities of color. Certain efforts, like Justice Reinvestment (JR), were conceived as part of the solution to this problem. The intent was to reduce corrections populations and budgets, thereby generating savings for the purpose of reinvesting in high incarceration communities to make them safer, stronger, more prosperous and equitable. To date, the implementation of JR has helped to shift the mood however efforts must also direct attention to investing in high incarceration communities.

The original idea of JR proposed that savings from reduced correctional populations be used to build stronger infrastructure in high incarceration communities. The reasoning for this was simple: these communities are the feeder system for prisons, jail, probation and parole, and strategic investment in them would be essential to decrease correctional demand. This is also a moral argument.

Individually and collectively, residents of high incarceration communities—already suffering from social exclusion due to race, poverty, disenfranchisement, etc.— have been disproportionately subjected to the further destabilizing and downwardly mobile consequences of high incarceration rates; therefore, it is incumbent upon policy leadership to make investments that promote greater economic and social equality and stability.

Recent changes in policy, while helpful, call for a stronger response to meet the challenges of improving public safety in high incarceration communities. Current policy reforms have not maintained the pragmatic and moral connections between prison reductions and reversing the systemic social and economic obstacles facing communities with high concentrations of criminalized residents. In fact, recent legislative changes in states like Oklahoma and Pennsylvania are likely to strengthen the very corrections policies that have played such a prominent role in the system's growth in the first place. Increased funding for "intensive community supervision" (i.e. closer control and scrutiny) can result in higher rates of return to prison by widening the net of social control. Even investment in rehabilitation services, such as drug treatment, can backfire if services are inappropriate or inadequate since relapse (which is common among recovering addicts) can result in revocation to prison.

This is not the approach we should want. Current practices in public safety policy have resulted in a great imbalance that relies too heavily on the criminal justice system. This has produced excessive levels of punishment and a diversion of resources from investments that could strengthen the capacity of families and communities to address the circumstances that contribute to crime. Research has demonstrated that many social interventions are more cost-effective in producing better public safety outcomes than expanded incarceration.

Initiatives that prioritize early childhood education, programs for at risk youth, and community investment have demonstrated effectiveness in reducing crime. Programs like the Nurse Family Partnership, a visitation program, have shown that home visits can significantly reduce child abuse and neglect among participating families, as well as arrest rates for children and their mothers. A proven program for at risk youth is Functional Family Therapy (FFT), an initiative that works to improve family interaction by enhancing emotional connections. And research shows that a community-level approach can be effective at preventing crime in urban neighborhoods; studies have concluded that organizational participation and informal social control mechanisms can address criminal violence at the neighborhood level.

In order to achieve a better balance in our approach to public safety we need to focus on three areas. First, we must target investment in effective interventions proven to reduce crime in high incarceration communities. Second, we should reverse the course of the drug war by shifting to a model of prevention that relies more on the public health system than the criminal justice system. Finally, we should scale back the length of prison terms across the board, even for more

serious crimes. The 21-year-old former gang member convicted of robbery may be a very different person at age 40.

The current atmosphere for reform provides an opening to scale back incarceration and address the imbalance in the nation's approach to public safety. Reforming criminal justice policies and practices may result in the avoidance of state correctional expenditures and offers an opportunity to leverage public resources towards services proven to reduce crime. The country will benefit from a strategy that uses evidence-based practices to strengthen early childhood education, alternatives to juvenile incarceration, and community investment.