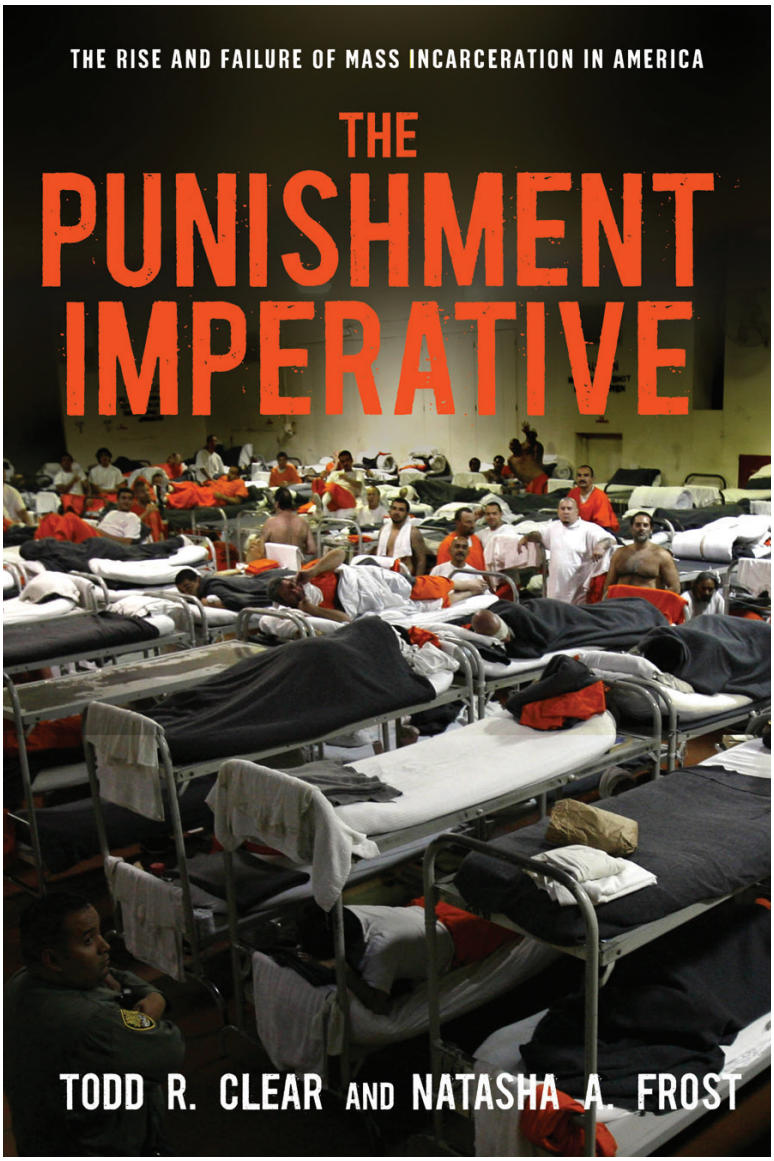
The Punishment Imperative

The Rise and Failure of Mass Incarceration in America

INSTRUCTOR'S GUIDE



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Over the last 40 years, the US penal system has grown at an unprecedented rate—five times larger than in the past and grossly out of scale with the rest of the world. In *The Punishment Imperative*, eminent criminologists Todd R. Clear and Natasha A. Frost argue that America's move to mass incarceration from the 1960s to the early 2000s was more than just a response to crime or a collection of policies adopted in isolation; it was a grand social experiment. Tracing a wide array of trends related to the criminal justice system, this book charts the rise of penal severity in America and speculates that a variety of forces—fiscal, political, and evidentiary—have finally come together to bring this great social experiment to an end. The authors stress that while the doubling of the crime rate in the late 1960s represented one of the most pressing social problems at the time, it was instead the way crime posed a political problem—and thereby offered a political opportunity—that became the basis for the great rise in punishment. Clear and Frost contend that the public's growing realization that the severe policies themselves, not growing crime rates, were the main cause of increased incarceration eventually led to a surge of interest in taking a more rehabilitative, pragmatic, and cooperative approach to dealing with criminal offenders that still continues to this day. Part historical study, part forward-looking policy analysis, *The Punishment Imperative* is a compelling study of a generation of crime and punishment in America.

General Summary

Without oversimplifying, *The Punishment Imperative* concisely tells the story of how the United States ended up as the most punitive nation in the world with well over 2 million people incarcerated on any given day. The focus is on mass incarceration, but the authors make clear that the massive rise in the level of incarceration over the past four decades was not limited to increases in incarceration: the growth in punitiveness was more general and targeted all aspects of our criminal justice system. Clear and Frost open the book with the provocative thesis that America's forty year punishment experiment, the Punishment Imperative, is losing steam and that we are likely witnessing the beginning of the end of mass incarceration. After pointing to some of the evidence of waning enthusiasm for the Punishment Imperative, they describing some of the recent legislative activity aimed at reducing our reliance on incarceration and closing prisons. They then return to the beginning and through a series of informative chapters explain how America became the world most punitive country with a seemingly unending appetite for more and more incarceration even as prisons were bursting at their seams. The authors frame mass incarceration as a grand social experiment and talk about the growth in incarceration in terms of specific eras that will be easy for undergraduate students to understand, but complex enough to challenge the thinking of both undergraduates and graduate students. They then associate often sweeping policy changes with those eras, all the while emphasizing the consequences (both intended and unintended) of the various policy choices that were made. Clear and Frost offer the reader a straightforward, but nuanced way of thinking about mass incarceration in America, focusing on both manifest objectives and latent aims. Toward the end of the book, they return to their thesis that we are witnessing the beginning of the end of mass incarceration and offer a series of strategies for achieving sustained reductions in prison populations. In the preface to the new paperback edition, the authors point out that their early prediction of the beginning of the end of mass incarceration (considered premature by some) has since become mainstream. The popular media are now regularly highlighting the many problems associated with mass incarceration, including the plight of ex-offenders trying to make it post-release, and criminologist are now offering prescriptions to states and municipalities around ways to permanently reduce the country's reliance on incarceration. The authors' caution, however, that solutions emphasizing only drug crime and penalty reform will fall woefully short: realizing meaningful reductions in mass incarceration will require reducing the likelihood and length of incarceration for all offenders, including violent offenders. The book concludes with an introduction to the increasingly popular idea of justice reinvestments, where savings realized through sustained reductions in incarceration get reinvested back into the community. The result is not only a new model of justice, but also holds out promise as a longer term crime prevention approach.

Why Consider this Book for Your Class?

This book offers an overarching introduction to the politics of punishment in the United States and is suitable for college students at any level (undergraduate, masters, or doctoral). The prose is written for the general reader and the authors avoid overly complicated writing and jargon. Suitable for use in a criminology or criminal justice courses, in corrections courses, or in any course where the professor would like to include a critical discussion of mass incarceration, which many would argue the most pressing criminal justice issue of our time. Although the book offers a discussion of a series of arguments around what caused mass incarceration, the unique focus of this book is the authors' recognition that there are signs that the punitive era of mass incarceration is coming to an end. As such, this book also offers an alternative model for thinking about justice, and how we achieve justice in ways that might be less damaging for individuals and communities. The Punishment Imperative also encourages the reader to think critically about the impetus for mass incarceration through offering sections on both manifest aims and latent aims of the punitive era. Throughout the book, the reader is encouraged to think critically about the aims and motives of policymakers who wrote the policies that drove incarceration rates to unprecedented levels.

CHAPTER 1

Chapter 1: The Beginning of the End of the Punishment Imperative

pages 1-16

OPENING QUOTE:

"America's criminal justice system has deteriorated to the point that it is a national disgrace. Its irregularities and inequities cut against the notion that we are a society founded on fundamental fairness. Our failure to address this problem has caused the nation's prisons to burst their seams with massive overcrowding, even as our neighborhoods have become more dangerous. We are wasting billions of dollars and diminishing millions of lives."

-Senator Jim Webb, March 3, 2009

SUMMARY

In this opening chapter, Clear and Frost outline their argument, which will be developed and supported through the rest of the book, that the small annual declines in incarceration rates over the previous several years actually signal something greater. The provocative thesis of the chapter, and of the book, is that we are potentially witnessing the beginning of the end of mass incarceration. The small declines in incarceration rates are described as an artifact of the very early days of a move toward a reduced reliance on incarceration as a result of larger societal shifts. Clear and Frost argue that we are witnessing the end of an era where harsher and more painful punishment was an imperative. They begin by documenting some of the activity around the states – noting that nearly every state has been acting on an agenda to reduce prison populations. According to the authors, the beginning of the end of the Punishment Imperative has been made possible by several key shifts in the political and social landscape. They refer to these shifts as "evidence from the field." Crime rates, both property and violent, have been falling for well over a decade. Crime is at its lowest point in years and, as a result, crime is no longer a central concern of the American public. This gives politicians some breathing space around crime and punishment. With the public concerned about other more pressing issues (education, healthcare, war, etc.), politicians no longer face certain political death if they endorse less punitive options. There has also been an important shift in how we talk about crime and criminal offenders and the authors describe the notion of "reentry" as symbolic of that shift. Finally there is growing evidence that the experiment in incarceration has produced disappointing results and that there have been a series of harmful consequences associated with increased use of incarceration. The chapter concludes with a brief summary of the book's thesis and a narrative outline of what the reader can expect in the chapters that follow.

CHAPTER OUTLINE:

➥ The End of an Era: Evidence from the Field

- Falling Crime Rates

- Reentry as a Concept
- Evidence

➥ The Argument of this Book

QUESTIONS FOR DISCUSSION

➥ What is the "Punishment Imperative?"

➥ Why do the authors give mass incarceration a name?

➥ In the opening chapter of the book, the author's put forth a provocative thesis – what is that thesis and what do the authors use to support it?

➥ What is some of the evidence the authors present to support their contention that we are likely witnessing the beginning of the end of mass incarceration?

➥ How do the authors describe patterns in crime rates over the past four decades?

➥ What do the authors mean when they refer to the "symbolic power of the felon?"

➥ The authors discuss the "evidence" in terms of what we think we knew about punishment then, and what we know about punishment now. Describe the evidence that supported the Punishment Imperative?

➥ In what ways is the "new evidence" about punishment more nuanced?

TABLES AND FIGURES

- Table 1.1 State Efforts to Reduce Prison Populations

QUOTE TO CALL OUT

"As we write, there are signs – strong signs- that the experiment [in mass incarceration] is coming to an end … the end of the grand experiment will feel less like a lightbulb being turned off and more like the slow cooling of a white hot oven." (pp.3-4)

CHAPTER 1

TABLE 1.1: STATE EFFORTS TO REDUCE PRISON POPULATIONS

STATES THAT HAVE RECENTLY CLOSED OR PROPOSED TO CLOSE PRISONS:

Colorado

Connecticut

Florida

Georgia

Michigan

Nevada

New York

North Carolina

Oregon

Rhode Island

Texas

Washington

Wisconsin

STATES THAT HAVE RECENTLY ENACTED CRIMINAL JUSTICE REFORMS DESIGNED TO REDUCE PRISON POPULATIONS:

Alabama

Alaska

Arizona

Arkansas

California

Connecticut

Delaware

Florida

Georgia

Hawaii

Kentucky

Louisiana

Maryland

Minnesota

Missouri

Nevada

New Hampshire

New Jersey

New York

North Carolina

Ohio

Pennsylvania

Rhode Island

South Carolina

South Dakota

Texas

Vermont

Virginia

Washington

CHAPTER 2

Chapter 2: The Contours of Mass Incarceration

pages 17-46

OPENING QUOTE

"The United States has a punishment system that no one would knowingly have built from the ground up. It is often unjust, it is unduly severe and it does enormous damage to the lives of black Americans."

-Michael Tonry, 1995, p. vii

SUMMARY

In this chapter, the authors provide a detailed portrait of incarceration in the United States, focusing particularly on the era they have described as the era of a Punishment Imperative (the early 1970s through 2010). Clear and Frost begin by providing a series of figures (Figures 2.1-2.4) which put correctional system growth in historical and international context. After visually and narratively describing mass incarceration, the authors explain some of the nuances of prison population growth, focusing particularly on how incarceration distributes (unevenly) across places, concentrating both its reach and its effects on certain places (with consequences for those places). While the causes of mass incarceration are varied and many, the determinants of prison population growth are much more simple: The size of the prison population depends on the "iron law" – it all comes down to who goes in to prison and how long they stay there. The relationship between crime and punishment is much less simple. The authors contend that the relationship between crime and incarceration is complex and not as direct as is often supposed. Figure 2.5 offers visual evidence of the contradictory patterns in crime and incarceration over time. If crime per se was not the primary driver of prison populations, then what was? The authors point to the Wars on Crime and on Drugs as central to any understanding of prison population growth. In other words, political responses to crime are more important to understanding prison population growth than actual trends in crime itself. This foreshadows the argument that will follow in chapters 3, 4, and 5.

CHAPTER OUTLINE (HEADINGS AND SUBHEADINGS)

- ➥ The Distribution of Incarceration across Places
- ➥ The Concentration of Incarceration
- ➥ Understanding Growth in Prison Populations
    - Partitioning Prison Population Growth
    - The Relationship between Crime and Punishment
- ➥ If Not Crime, Then What?

➥ The Wars on Crime and on Drugs

➥ Summary

QUESTIONS FOR DISCUSSION

➥ How does the United States' incarceration rate compare with other countries?

➥ What do the authors mean when they say that incarceration concentrates?

➥ What are some of the likely consequences of the distribution of incarceration across places?

➥ What is the "iron law of prison populations" and what does it mean for prison population growth and/or de-escalation?

➥ The relationship between crime and incarceration is "complicated" – using examples from from the chapter explain why?

➥ The authors argue that the framing of the crime problem as "requiring an all out 'war' in response" has had some lasting consequences. What are some of those consequences?

TABLES AND FIGURES

- Figure 2.1: International Rates of Incarceration (p. 19)
- Figure 2.2: Correctional Population Growth, 1980-2010 (p. 20)
- Figure 2.3: Prison Population by Offense Type, 1980-2005 (p. 23)
- Figure 2.4: U.S. Imprisonment Rate (p. 28)
- Figure 2.5: Violent Crime, Property Crime, and Imprisonment Rates per 100,000, 1960-2010 (p. 35)

FIGURE 2.1: INTERNATIONAL RATES OF INCARCERATION (PER 100,000 POPULATION)

Data Source: Walmsley, R. (2009). World Prison Population List, 8th Edition. London: International Centre for Prison Studies.

FIGURE 2.2: CORRECTIONAL POPULATION GROWTH, 1980-2010

Data Source: For 1980 – 2004: Bureau of Justice Statistics, Correctional Surveys. For 2005-2010: Table 1. Estimated number of persons supervised by adult correctional systems, by correctional status, 2000 and 2005–2010 in Lauren Glaze

(2011), Correctional Populations in the United States, 2010. Washington, D.C. Bureau of Justice Statistics.

FIGURE 2.3: PRISON POPULATION BY OFFENSE TYPE, 1980-2005

Data Source: Bureau of Justice Statistics, Number of persons under jurisdiction of state correctional authorities by most serious offense, 1980-2005 (Dorsey and Middleton, 2007).

FIGURE 2.4: U.S. IMPRISONMENT RATE* (PER 100,000 POPULATION), 1925-2010

Data Source: Sourcebook of Criminal Justice Statistics Online, Table 6.28.2009, Available online: http://www.albany.edu/sourcebook/csv/t6282009.csv

FIGURE 2.5: VIOLENT CRIME, PROPERTY CRIME, AND IMPRISONMENT RATES PER 100,000, 1960-2010*

Data Sources: Crime Rates: Sourcebook of Criminal Justice Statistics Online, Table 3.106.2010, http://www.albany.edu/sourcebook/csv/t31062010.csv); Incarceration Rate: Sourcebook of Criminal Justice Statistics Online, Table 6.28.2009, http://www.albany.edu/sourcebook/csv/t6282009.csv).

CHAPTER 3

OPENING QUOTE

"It's a government program whose impact rivals the New Deal. It pushes whole communities out of society's mainstream. It costs tens of billions of dollars a year… What if American launched a new New Deal and no one noticed. And what if, instead of lifting the unemployed out of poverty, this multi-billion dollar project steadily drove poor communities further and further out of the American mainstream? That's how America should think about its growing prison system."

-Christopher Shea, 2007

SUMMARY

In this chapter, Clear and Frost argue that prison population growth across American over the past four decades might be best understood as a "grand social experiment" in public policy. The authors argue that grand social experiments in public policy tend to share the following features: first, there is growing public concern about a pressing social problem. Although the problem itself is not new, social conditions of the time lead to growing public concern about the problem. Politicians, who depend upon public support, conveniently seize upon the growing concern and offer new conceptualizations of the social problem. The new framing of the social problem and its causes allows for the development of new transformative strategies and politically advantageous solutions. In the chapter, the authors use the New Deal and the Great Society as examples of other grand social experiments that had similar features (albeit for addressing different policy issues). They also explicitly recognize and acknowledge the limitations of the grand social experiment methaphor.

CHAPTER OUTLINE (HEADINGS AND SUBHEADINGS)

CHAPTER 3

Chapter 3: The Punishment Imperative as a Grand Social Experiment

pages 47-70

- o Crime and the Punishment Imperative
- o Race as a Foundation for Punishment
- o Change in Correctional Ethics

• Strategies Arise that Meld Political Interests and Lead to a Reformulated Understanding of the Problem

➥ Limits of the Grand Social Experiment Metaphor

➥ Conclusion

QUESTIONS FOR DISCUSSION

➥ What do the authors mean when they describe the Punishment Imperative as a "grand social experiment"?

➥ What are the distinctive features of grand social experiments?

➥ How does Americas experiment in mass incarceration mirror other grand experiments in public policy?

➥ With regard to mass incarceration, what are some of the limits of the social experiment methaphor?

CHAPTER 4

OPENING QUOTE:

"Virtually all contemporary commentaries on correctional policy begin, almost ritualistically, by chronicling – and most often decrying – the seemingly endless roster of policies designed in recent years to inflict increasing amounts of pain on offenders."

-Cullen, Fisher, and Applegate, 2000

SUMMARY

The "iron law" of prison populations explains the mechanics of the growth in the size of the incarcerated population, but those increasing admissions and longer stays were driven by a series of policy choices and those policy choices are the focus of Chapter 4. The authors open the chapter by partitioning the era of the Punishment Imperative into three eras – each roughly delineated by a decade. It should be noted that these eras were additive in that each added to the previous, leading to exponential growth over the full period. In the 1970s, the War on Crime was launched in earnest and crime in general was targeted, with sweeping changes to the very structure of criminal sentencing (from indeterminate to determinate sentencing). The sentencing policies most associated with the 1970s were intended to increase the likelihood of prison for many offenses and offenders and to increase the length of stay for serious offenders and offenses. In the 1980s, the ramping up of the War on Drugs meant that the focus turned more specifically to drug offenses with increasingly harsh punishment for drug offenders. By the 1990s, serious violent offenders and repeat offenders became the target of increasingly harsh habitual offender laws, like the three-strikes laws for recidivist felons and the truth in sentencing laws for violent crimes. Sex offenders were also targeted with civil commitment statutes and community notification laws ensuring their enhanced control and supervision post-prison. The chapter concludes with a discussion of the many policy initiatives that created legislative barriers to offender reintegration, with sections on education, housing, public assistance and child custody.

CHAPTER OUTLINE (HEADINGS AND SUBHEADINGS)

- ➥ Targeting Crime (1970s)
- ➥ Targeting Drug Offenses and Offenders (1980s)
- ➥ Targeting Violent Crime and Repeat Offenders (1990s)
- ➥ The Policy Shifts behind the Punishment Imperative
    - From Indeterminate to Determinate Sentencing

CHAPTER 4

- The Introduction of Sentencing Guidelines
- Increasing the Likelihood of Prison and Lengthening Penalties for Certain Offenses and Offenders
- Mandatory Sentencing for Serious Felonies
- Truth in Sentencing for Violent Crimes
- Three-Strikes Legislation for Recidivist Felons
- Enhanced Supervision of People in the Community
    - o Intensive Supervision in the Community
    - o Increased Monitoring of Those Convicted of Sex Crimes

➥ The Problem of Prison Cycling

- The Changing Nature of Postrelease Supervision
- Legislative Barriers to Successful Reintegration
- Policies that Inhibit Reentry
- Policies Limiting Access to Education
- Policies Restricting Access to Public Housing
- Policies Limiting Eligibility for Public Assistance
- Policies Affecting Child Custody

➥ Summary

QUESTIONS FOR DISCUSSION

➥ The authors characterize the policies of the Punishment Imperative as comprising three different eras. What are those eras and what are the distinctive features of each?

➥ In what ways did structural sentencing changes impact prison populations?

➥ What were some of the justifications for the War on Crime and the War on Drugs?

➥ What effect did three-strikes and truth-in-sentencing laws have on prison populations?

➥ During the 1990s, the Clinton administration passed a series of laws that the

authors argue were detrimental to offender reentry and reintegration. Describe the policies in the areas of: Civic Responsibility? Education? Housing? Public Assistance? Child custody?

CHAPTER 5

Chapter 5: Two Views on the Objectives of the Punishment Imperative

pages 112-136

SUMMARY

In this chapter, Clear and Frost offer two views on the objectives of the Punishment Imperative. At its core, the Punishment Imperative was about controlling crime, and more importantly, fear of crime. This was accomplished through a series of policy initiatives described in the previous chapter, all of which were intended to achieve one or more of the objectives: controlling judicial discretion (through changing sentencing structures so as to limit discretion and allegedly reduce disparities), controlling crime (through incapacitation and deterrence), changing the payoff of crime (as the benefits of crime seemed to outweigh its costs), making community penalties more onerous (as probation community corrections were also a target of the Punishment Imperative), ratcheting up the collateral consequences, and through expressing co-alignment with the victim. These were the manifest objectives of the Punishment Imperative, and on the surface the policies aligned with one or more of these. But punishment scholars tend to take a more critical view arguing that the manifest objectives are only part of the story, and likely not the most important part. These scholars argue that the intentions of those driving the Punishment Imperative were in no way benign and point to the foreseeable consequences of many of these policies. From this perspective the Punishment Imperative was largely about the control of marginal (and disposable) populations.

CHAPTER OUTLINE (HEADINGS AND SUBHEADINGS)

- ➥ Controlling Crime and Fear of Crime through a Punishment Imperative
    - • Controlling Judicial Discretion
    - • Controlling Crime by Controlling Active Criminals
    - • Changing the Payoff of Crime
    - • Making Community Penalties More Onerous
    - • Ratcheting Up the Collateral Consequences
    - • Expressing Coalignment with the Victim
- ➥ Manifest Objectives of the Punishment Imperative
- ➥ Latent Aims of the Punishment Imperative
- ➥ Summary

QUESTIONS FOR DISCUSSION

- ➥ What were some of the ways that policy makers tried to control crime and fear

of crime during the Punishment Imperative?

➥ Why was judicial discretion targeted?

➥ The authors argue that one of the manifest objectives of the Punishment Imperative was changing the payoff of crime. What are some of the assumption underlying this objective?

➥ What are some of the ways to alter the payoff of crime?

➥ Which types of offenders were the main target of collateral consequences and what are some of the problems created by these consequences?

➥ How do harsh penalties express coalignment with victims of crime?

➥ What were some of the manifest objectives of the Punishment Imperative?

➥ What were the latent aims of the Punishment Imperative?

➥ Is it possible for the manifest objectives to co-exist with the latent aims? Explain.

CHAPTER 6

Chapter 6: Assessing the Punishment Imperative

pages 137-157

OPENING QUOTE

"The term "experiment," however, carries connotations quite different in the natural sciences than in social developments. It is the rule, indeed almost inevitable, that an experiment in the physical sciences does not disturb the course of the natural events with which it is concerned. Just the opposite is the case with an experiment in current social life. We are told that if an experiment in the New Deal does not turn out well, it will be dropped and something else devised. The implication is that when the experiment is dropped, nothing has happened. But this is just the opposite of the fact; when an experiment is introduced into a set of social relations, these are modified, and modifications persist after the experiment has been withdrawn."

-Anonymous, 1935

SUMMARY

In this chapter, Clear and Frost further explain the disconnect between crime and punishment (first introduced in Chapter 2). They then rely on evidence to demonstrate that incarceration is a failed experiment in that it has not even achieved its own manifest objectives: reducing crime or reducing fear of crime. At the same time, it has had some demonstrable detrimental effects, particularly in terms of exacerbating social and racial inequalities but also in the fiscal constraints it has placed on federal, state, and local budgets. The authors then spend more time on the troubling ways in which punishment has engaged politics, with politicians often pandering to the public's fear of crime and using the crime issue to advance political agendas that fueled even more punitive policies. Of course, these policies have had some devastating impacts on communities, and particularly those communities where incarceration has concentrated the most (see Chapter 2). In their summary assessment of the Punishment Imperative, the authors revisit some of the manifest objectives and latent aims describing what the evidence says about mass incarcerations's impact.

CHAPTER OUTLINE (HEADINGS AND SUBHEADINGS)

- ➥ The Disconnect between Crime and Punishment
- ➥ Failing on Its Own Terms
    - Crime Reduction
    - Fear of Crime
- ➥ Fueling Social Problems
    - Social and Racial Inequality

- Fiscal Flexibility

➥ Punishment and Politics

➥ Incarceration and Communities

- Impact on Communities
- Communities and Concentrated Incarceration

➥ A Summary Assessment of the Punishment Imperative

- Reducing Crime
- Increasing Solidarity with Victims of Crime
- Controlling the "Dangerous"
- Race

➥ Summary

QUESTIONS FOR DISCUSSION

➥ How successful was the Punishment Imperative as a grand social experiment?

➥ If one were to assess the successes and failures of a social experiment in incarceration, what might some of the criteria for such an assessment include?

➥ The authors argue that the Punishment Imperative was a failed experiment because it failed even on its own terms of reducing crime and reducing fear of crime. Explain why they make this argument.

➥ What are some examples of social problems that have been exacerbated by mass incarceration? In what ways has mass incarceration contributed to those social problems?

➥ The authors devote a considerable part of this chapter to the effect of concentrated incarceration on communities. What are some of the effects of incarceration on communities?

➥ The authors provide a summary assessment of the Punishment Imperative. Do you agree with their assessment?

➥ How would you assess the social experiment in mass incarceration? What would you describe as the successes and failures of the Punishment Imperative?

CHAPTER 6

Chapter 6: Assessing the Punishment Imperative

pages 137-157

TABLES AND FIGURES

CALL OUT THE FINAL SENTENCE:

"The last forty years have run their course, and a new agenda is about to rise" – p. 188

SUMMARY

In the final concluding chapter, Clear and Frost revisit the "iron law" of prison populations to make the point that by necessity any efforts to dismantle the Punishment Imperative and end mass incarceration will require strategies that attack both drivers of prison populations (reducing admissions and reducing length of stay). They offer a three-pronged agenda that includes repealing mandatory sentences, especially for drugs, but for all types of offenses. They offer two overarching strategies (and five associated methods) for reducing length of stay. The release strategies include increased use of parole and special early release practices. The sentencing strategies including targeting drivers of especially long sentences (for example repealing truth in sentencing requirements), making offense specific statutory changes, and repealing habitual offender enhancements (also referred to as recidivism statutes). Although across the board cuts in sentences would be very effective, sentencing reduction schemes are more likely to gain support when they target specific offenses. Recall in the new introduction to the paperback edition, the authors make very clear that approaches that emphasize drug offenses and offenders only will not be enough and that violent offenses and offenders will need to be part of any plan for sustained reductions in prison populations. The third major agenda item would be to reduce recidivism while improving public safety. Having already demonstrated that in-prison programming, while important, will have at best marginal effects on recidivism outcomes and therefore holds only minimal promise for sustained reductions in prison populations, the authors advocate for reducing revocations through some of the more recent promising approaches. The authors conclude the chapter and the book with a substantial section of the final chapter focusing on justice reinvestment as an alternative to mass incarceration. Justice reinvestment promises to both reduce the reliance on incarceration, while reinvesting in the communities that have been most profoundly affected by mass incarceration.

CHAPTER OUTLINE (HEADINGS AND SUBHEADINGS)

- ➥ Reducing the Prison Population: The Iron Law
- ➥ Agenda One: Repeal Mandatory Sentences, Especially for Drugs
- ➥ Agenda Two: Reduce Length of Stay
    - Release Strategies

Chapter 7: Dismantling the Punishment Imperative
pages 159-188

- o Method No. 1: Parole
- o Method No. 2: Special Early Release

- Sentencing Change Strategies
  - o Method No. 1: Targeted Sentence Reduction
  - o Method No. 2: Offense-Specific Statutory Changes
  - o Method No. 3: Recidivism Statutes

➥ Agenda Three: Reduce Recidivism

➥ Justice Reinvestment: Focusing on Incentives

- Reinvesting in Government
- The Problem of Incentives
- Reorienting Incentives
- Incentives and the Private Sector

➥ Concluding Thoughts

QUESTIONS FOR DISCUSSION

➥ Which of the overarching strategies for dismantling the Punishment Imperative hold the most promise for sustained declines in the use of incarceration? (Release strategies or sentencing strategies)?

➥ What are some of the advantages and limitations of the various methods associated with the release and sentencing strategies

- for release: parole, early release;
- for sentencing: eliminating truth-in-sentencing type requirements, statutory changes to specific penalties, and repeal of habitual offender recidivism statutes.

➥ Is justice reinvestment a utopian ideal? Can it ever be truly realized?

➥ What would a true justice reinvestment initiative look like?

➥ What are some of the likely barriers to pursuing justice reinvestment approaches?

➥ In the criminal justice context, what is the "problem of incentives"

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pages 159-188

- What are some of the strategies offered for reorienting incentives?
- What role can the private sector play in justice reinvestment initaitives?

CHAPTER 7