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Beyond Crime and Punishment: Prisons and Inequality

Bruce Western and Becky Pettit

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beyond crime and punishment: prisons and inequality

Changes in government policy on crime and punishment have put many poor minority men behind bars, more than their arrest rates would indicate. The growth of the penal system has also obscured the extent of economic inequality and sowed the seeds for greater inequality in the future.

Even during the economic boom of the 1990s, more young black men who had dropped out of school were in prison than on the job. Despite rapid growth in employment throughout the economy, released prisoners in the 1990s earned little and were often unemployed. In these two ways—high imprisonment rates among disadvantaged men and poor economic prospects for ex-inmates—the penal system affects inequality in the American society.

Inequality is disguised because data on employment often do not include the mostly poor men who are locked away behind bars. When we count prisoners among the unemployed, we find that racial inequality in employment and earnings is much greater than when we ignore them. Taking prisoners into account substantially alters our understanding of how young black men are faring, dramatically so when we focus on young black men with little education. In addition, the penal system fuels inequality by reducing the wages and employment prospects of released prisoners. The low-wage, unstable employment they experience when they return to society deepens the divisions of race and class.

For most of the 20th century, imprisonment policies had little effect on social inequality. Prison was reserved for the

most violent or incorrigible offenders, and the inmate population was consequently small. This began to change in the early 1970s when stricter law enforcement enlarged the prison population. While incarceration once used to flag dangerousness or persistent deviance, by 2000 it had become a common event for poor minority males.

the expansion of the penal system

Between 1920 and 1970, about one-tenth of one percent of Americans were confined in prisons. The prison population increased sixfold in the three decades after 1970. By June 2000, about 1.3 million people were held in state and federal prisons, and 620,000 inmates were in local jails. This translates into a total incarceration rate of seven-tenths of one percent of the U.S. population. The current incarceration rate is five times the historical average of the 1925-70 period and six to eight times the incarceration rates in Western Europe. With the important exception of homicide, however, American levels of crime are similar to those in Western Europe.

These numbers mask the concentration of imprisonment among young black men with little schooling. Although there

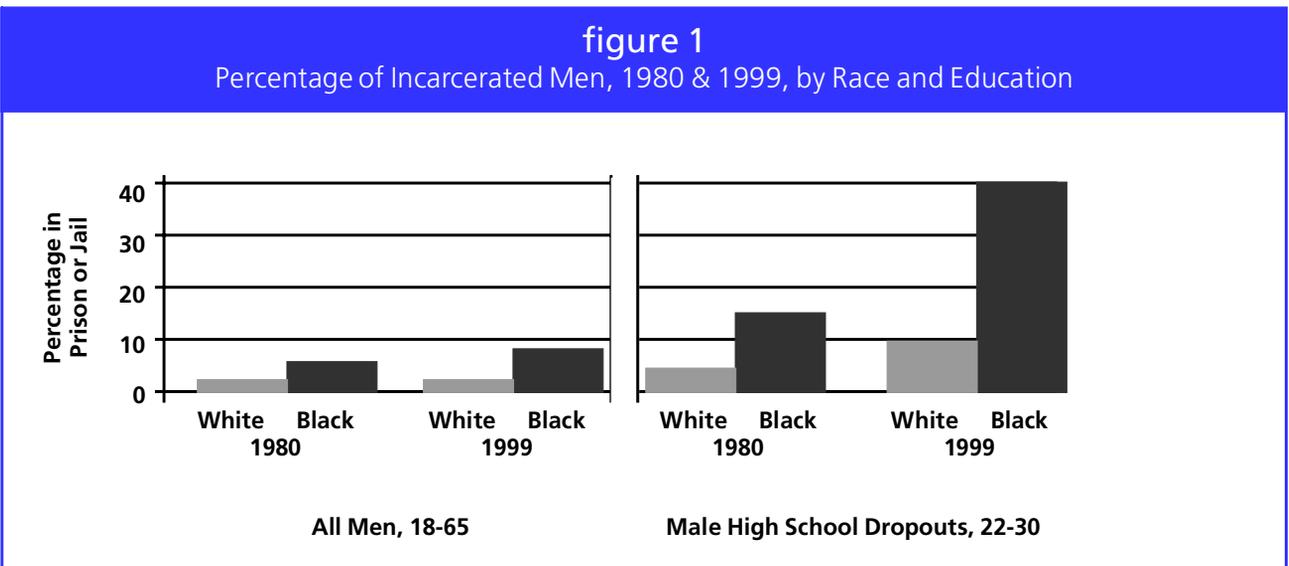




Photo courtesy of McCarthy Construction, Phoenix, Arizona

The recently completed Arizona State Prison Complex-Lewis, designed to house 4,150 inmates.

are no official statistics, we've calculated the proportion of penal inmates among black and white men at different ages and levels of education by combining data from labor force and correctional surveys. Incarceration rates doubled among working-age men between 1980 and 1999 but increased threefold for high school dropouts in their twenties. By 1999, fewer than one percent of working-age white men were behind bars, compared to 7.5 percent of working-age black men (figure 1). Figures for young black unskilled men are especially striking: 41 percent of all black male high school dropouts aged 22-30 were in prison or jail at midyear in 1999.

Although 9 out of 10 inmates are male (92 percent), women represent the fastest-growing segment of the inmate population. During the recent penal expansion, the female

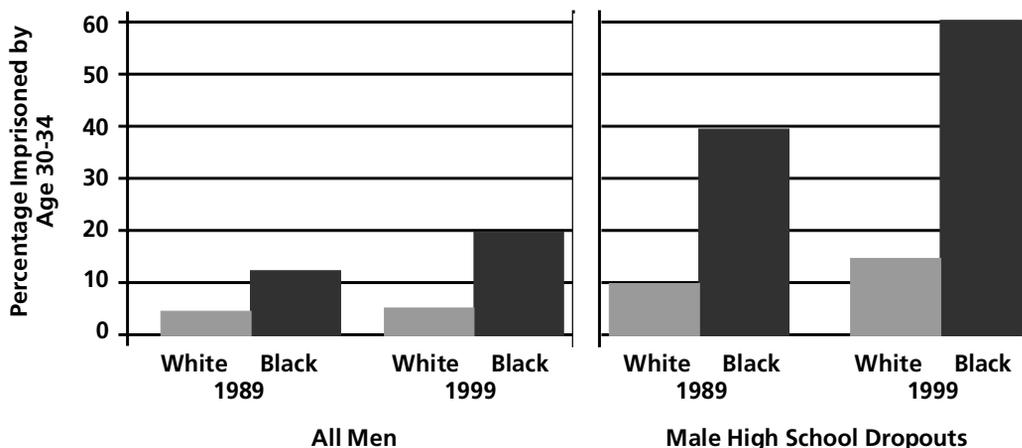
inmate population has grown more than 60 percent faster than the male inmate population. African-American women have experienced the greatest increase in criminal justice supervision.

Racial disparities in incarceration are even more stark when one counts the men who have ever been incarcerated rather than just those in prison on a given day. In 1989, about 2 percent of white men in their early thirties had ever been to prison compared to 13 percent of black men of the same age (figure 2). Ten years later, these rates had increased by 50 percent. The risks of going to prison are about three times higher for high school dropouts. At the end of the 1990s, 14 percent of white and 59 percent of black male high school dropouts in their early thirties had prison records.

The high rate of imprisonment among black men is often explained by differences in patterns of arrest and criminal behavior. Blacks are eight times more likely to be incarcerated than whites. With the important exception of drug offenses, blacks are overrepresented among prison inmates due to race differences in crime and arrest statistics. In 1991, for instance, black men accounted for 55 percent of all homicide arrests and 47 percent of homicide offenders in prison. Drug offenses aside, about three-quarters of the racial disparity in imprisonment can be linked to racial differences in arrests and in criminal offending as reported in surveys of crime victims. Although age and educational differences in incarceration have not been studied as closely as race, crime rates are also known to be high among young, poorly educated men. In short, young, black, male high school dropouts are overrepresented in prison mainly because they commit a disproportion-

figure 2

Percentage of 30 to 34 year-old Men Ever Incarcerated, 1989 & 1999, by Race and Education



ate number of crimes (or, at least, street crimes) and are arrested for them. But that is not the whole story.

The explosion of the penal population after 1970 does not reflect increasing crime rates. The prison population has grown steadily every year since 1974, but crime rates have fluctuated up and down with no clear trend. For example 13.4 million crimes were reported to the police in 1980. In that year 182,000 people were admitted to state and federal prisons. In 1998, 12.4 million crimes were reported, and 615,000 people were sent to prison. Crime had gone down (see "Crime Decline in Context," *Contexts*, Spring 2002), but the number of people going to prison had tripled.

To explain the prison boom, we need to look beyond trends in crime. The exceptional pattern of incarceration

To explain the prison boom, we need to look beyond trends in crime. The exceptional pattern of incarceration among drug offenders provides an important clue.

among drug offenders provides an important clue. Drug offenders account for a rapidly increasing share of the prison population and the surge in drug-related imprisonment coincides with shifts in drug policy. Beginning in the 1970s, state and federal governments increased criminal penalties and



Photo by Herman Krieger

Advertisement for adult education programs outside Joliet Prison, Joliet, Illinois.

figure 3

Employment Percentages of Male High School Dropouts, Aged 22 to 30, 1980 & 1999, by Race and Incarceration History

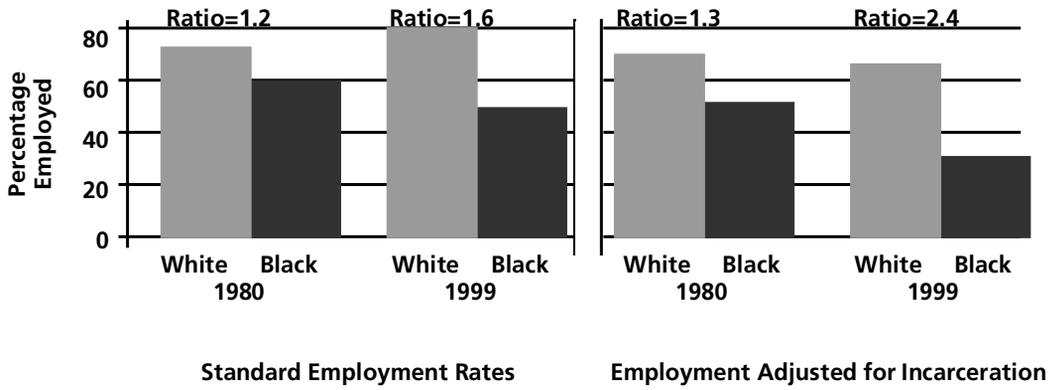


Photo by Herman Krieger

Child care facility at women's prison in Oregon.

intensified law enforcement in an attempt to reduce the supply, distribution and use of illegal narcotics. Drug arrests escalated sharply throughout the 1980s and 1990s, and drug offenders were widely sentenced to mandatory prison terms. While the total state prison population grew at about 8 percent annually between 1980 and 1996, the population of drug offenders in state prisons grew twice as quickly.

The penal system not only conceals inequality, it confers stigma on ex-prisoners and reduces their readiness for the job market. Consequently, ex-convicts often live at the margins of the labor market, precariously employed in low-wage jobs.

The war on drugs was just one part of a broad trend in criminal justice policy that also toughened punishment for violent and repeat offenders. For example, between 1980 and 1996, the average time served in state prison for murder increased from five to more than 10 years. Habitual offender provisions, such as California's three-strikes law, mandated long sentences for second and third felony convictions. Rates of parole revocation have also increased, contributing to more than a third of all prison admissions by the late 1990s.

Why did the punitive turn in criminal justice policy affect young male dropouts so dramatically? Consider two explanations. First, as we have seen, socially marginal men are the most likely to commit crimes and be arrested for them, so simply lowering the threshold for imprisonment—jailing offenders who in an earlier era would have just been reprimanded—will have the biggest impact on this group. Second, some legal scholars claim that policy was redrawn in a way that disproportionately affected young minority males with little schooling. Michael Tonry makes this argument in a prominent indictment of recent anti-drug policy. Streetsweeps of drug dealers, mass arrests in inner cities and harsh penalties for crack cocaine were all important elements of the war on drugs. These measures spotlighted drug use among disadvantaged minorities but neglected the trade and consumption of illicit drugs in the suburbs by middle-class whites. From this perspective the drug war did not simply lower the threshold for imprisonment, it also targeted poor minority men.

Although the relative merits of these two explanations have not yet been closely studied, it is clear that going to prison is now extremely common for young black men and

pervasive among young black men who have dropped out of school. Imprisonment adds to the baggage carried by poorly educated and minority men, making it harder for them to catch up economically and further widening the economic gap between these men and the rest of society.

incarceration conceals inequality

Regardless of its precise causes, the effects of high incarceration rates on inequality are now substantial. Although the 1990s was a period of economic prosperity, improved job opportunities for many young black men were strongly outweighed by this factor. The stalled economic progress of black youth is invisible in conventional labor force statistics because prison and jail inmates are excluded from standard counts of joblessness.

Employment rates that count the penal population among the jobless paint a bleak picture of trends for unskilled black men in the 1990s. Standard labor force data show that nearly two-thirds of young black male high school dropouts had jobs in 1980 compared to just half in 1999 (figure 3). When inmates are counted in the population, however, the decline in employment is even more dramatic. In 1980 55 percent of all young black dropouts had jobs. By the end of the 1990s fewer than 30 percent had jobs, despite historically low unemployment in the labor market as a whole. Incarceration now accounts for most of the joblessness among young black dropouts, and its rapid growth drove down employment rates during the 1990s economic boom.

Because black men are overrepresented in prison and jail, incarceration also affects estimates of racial inequality. A simple measure of inequality is the ratio of white to black employment rates. In 1999, standard labor force data (which do not count convicts) show that young white dropouts were about one and a half times more likely to hold a job than their black counterparts. Once prison and jail inmates are counted among the jobless, the employment rate for young white dropouts is about two and a half times larger than for blacks. If we relied just on the usual labor force surveys, we would underestimate employment inequality for this marginal group by 50 percent.

Isolating many of the disadvantaged in prisons and jails also masks inequality in wages. When low earners go to prison and are no longer counted in the wage statistics, it appears that the average wage of workers has increased. This seeming rise in average wages doesn't represent a real improvement in living standards, however. We estimate that the wage gap between young black and white men would be 20 percent wider if all those not working, including those in prison and jail, were counted.



Photo by Herman Krieger

Perimeter wall and fence, Folsom State Prison, Folsom, California.

incarceration increases inequality

The penal system not only conceals inequality, it confers stigma on ex-prisoners and reduces their readiness for the job market. Consequently, ex-convicts often live at the margins of the labor market, precariously employed in low-wage jobs. Ethnographic research paints a vivid picture. For example, in Mercer Sullivan's *Getting Paid*, delinquent youth in New York City cycled through many jobs, each held for just weeks or months at a time. One subject, after entering an ex-offender employment program at age 20, briefly held a factory job, but "he was fired for being absent and then went through three different jobs in the next four months: he tried delivering groceries, being a messenger, and doing maintenance in a nursing home." His experience was typical of Sullivan's subjects.

James Austin and John Irwin's interviews with current and former inmates in *It's About Time* reveal some of the difficulties ex-convicts have finding jobs. Released prisoners may have to disclose their criminal history or risk its discovery in a background check, or jobs may require special licenses or membership unavailable to most ex-convicts. Both may serve as substantial obstacles to employment. For example, a 38-year-old ex-convict living in the San Francisco Bay Area recalls,

"I was supposed to get this light industrial job. They kept putting obstacles in front of me and I talked my way over them every time, till she brought up my being on parole and then she went sour on me. If they catch me lying on the application about being in prison or being on parole, they will [report a violation] and give me four months [in prison]." He also was unable to get a job in dry cleaning because he lacked certification: "I had dry-cleaning training a long time ago, but this time I wasn't in long enough to go through the program. It takes several years. You have to have the paper to get a job. I could jump in and clean anything—silks, wools—remove any spot, use all the chemicals, but I don't got any paper. They won't let you start without the paper."

Statistical studies have tried to estimate the toll incarceration takes on earnings after release. Ideally, to measure the effect of prison time, we would compare the pay of groups who were the same in all respects except for their prison records. However, criminal offenders are unusual in ways that are hard to observe. They may be more impulsive or aggressive, and these sorts of characteristics aren't consistently measured by our usual surveys. Thus different studies yield different estimates.

With these caveats in mind, statistical studies suggest that serving time in prison, by itself and with other characteristics of

workers accounted for, reduces wages by between 10 and 30 percent. However, this is a simplified picture of how imprisonment affects job opportunities. Research also shows that incarceration affects the growth—and not just the level—of wages. While pay usually increases as men get older, this is not so true for ex-convicts. This suggests that men with prison records find it hard to get jobs with career ladders or seniority pay. Instead, they are more likely to work in day labor or other casual jobs.

Because young black men with little education are imprisoned in such large numbers, the economic effects of incarceration on individual ex-convicts can add up to large economic disadvantages for minority communities. Neighborhoods with many people going to prison develop bad reputations that smear even the law-abiding. In *When Work Disappears*, William Julius Wilson reports on interviews with Chicago employers which show how the stigma of criminality can attach to entire minority communities. Considering job candidates from the West Side, one employer observed, “Our black management people [would] say ‘No, stay away from that area. That’s a bad area ...’ And then it came out, too, that sooner or later we did terminate everybody from that area for stealing... [or] drinking.” National statistics also show how imprisonment widens the inequality between groups. Estimates for 1998 show that the reduced earnings of ex-convicts contribute about 10 percent to the wage gap between black and white men. About 10 percent of the pay gap between all male college graduates and all high school dropouts is due to the reduced wages that inmates earn after they are released.

the price of safety

The inequalities produced by the penal system are new. The state and federal governments have never imprisoned so many people, and this increase is the result not of more crime but of new policies toward crime. This expansion of imprisonment represents a more massive intrusion of government into the lives of the poor than any employment or welfare program. Young black men’s sustained contact with official authority now sets them apart from mainstream America in a novel way.

The inegalitarian effects of criminal justice policy may be justified by gains in public safety. We have in this article treated the penal population primarily as disadvantaged and not as dangerous people, but a large proportion of prisoners are violent offenders. Many commit crimes again and again. Criminals may be poor men, but they also perpetrate crime in poor neighborhoods. From this viewpoint, the proliferation of prisons represents a massive investment in the public safety of disadvantaged urban areas.

But can enduring public safety be achieved by policies that deepen social inequality? A great deal of research indicates that effective crime control depends on reducing economic divisions, not increasing them. There is a strong link between criminal behavior and economic disadvantage. To the extent that prison undermines economic opportunities, the penal boom may be doing little to discourage crime in communities where most men have prison records. If high incarceration rates add to the stigma of residence in high-crime neighborhoods, the economic penalties of imprisonment may affect ex-convicts and law-abiding citizens alike. The criminal justice system is now a newly significant part of a uniquely American system of social inequality. Under these conditions, the punitive trend in criminal justice policy may be even tougher on the poor than it is on crime. ■

recommended resources

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