

**“Responding to the Realities of  
The Era of Mass Incarceration  
In America”**

**Keynote Address**

**By**

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Dear friends and colleagues:

I am very grateful for the invitation to join you at this important conference and to share some thoughts as you begin your deliberations.

Over the years, I have developed an enormous respect for the work of Public/Private Ventures. Our society has a need for organizations that are willing to take risks with new ideas, respect the importance of objective empirical evaluations of their experiments, and communicate their findings clearly so that the general public and policymakers can build a more enlightened policy environment. Public/Private Ventures is such an organization and I appreciate this opportunity to salute their work.

I am particularly pleased to see that Public/Private Ventures has launched a series of projects on the critical issues of incarceration and prisoner reentry. I should admit at the outset that I am not unbiased on this question – after all, before returning to New York City to become President of John Jay College of Criminal Justice, I spent five years deeply immersed in these topics – but I hope you agree that these issues are among the most important challenges that face our country. Having the voice and wisdom of Public/Private Ventures – and my good colleague Fred Davie – applied to these issues is simply good for America. Again, I applaud you for your work on incarceration, prisoner reentry, and particularly the children of prisoners, and the role of faith institutions. Your work has enriched our understanding.

Finally, I am delighted to have so many colleagues from the United Kingdom at this conference. Over the years, I have had memorable opportunities to share views on crime, justice, and imprisonment with friends from Great Britain – in particular, at three stimulating conferences at Ditchley Park – so it is fitting that tonight we continue the tradition of trans-Atlantic conversation.

My topic for the evening is sobering: how should we respond to the realities of mass incarceration? In stating this question, I make an assertion that I should quickly substantiate, namely that we live in an era of “mass incarceration.” This phrase has been used by a number of criminal justice scholars in an effort – perhaps a blunt effort – to convey the magnitude of the level of incarceration in this country. For nearly fifty years – from 1925 to about 1975 – the level of incarceration in America was fairly constant, at about 110 per 100,000 individuals. These levels were so constant that Al Blumstein and Jacqueline Cohen posited a theory, called the theory of the stability of punishment, to suggest that our society would adjust in different ways to keep its level of incarceration constant. But beginning in the mid-1970’s, the rate of incarceration started to climb, a few percentage points each year, and has risen every year for nearly thirty years. Now, we have more than 1.4 million people in prison, another 700,000 in our jails, and our per capita rates of incarceration are about five times higher than a generation ago.

Some international comparisons will underscore the magnitude of the era of mass incarceration. In 2001, the rate of incarceration in America (including prisons and jails) was 686 per 100,000. The closest European country was the United Kingdom, with a rate of 126 per 100,000, less than one fifth the American rate. Our closest competitors were Russia (rate of 628 per 100,000) and South Africa (400 per 100,000). So America has won a dubious prize – we are the country that imprisons the highest percentage of its citizens.

The growth of imprisonment in America has been a remarkably stable social phenomenon. When crime rates declined, first in the early 1980s and then again, more dramatically, in the late 1990s, the rate of imprisonment increased. When crime rates soared, as in the late 1980s, the rate of imprisonment also increased. Our prison population increased by half in the 1990s, a time of unprecedented economic expansion and historically low rates of poverty and unemployment. Yet during the recessions of the early 1980s and early 1990s, the country also built more prisons. Whether times are good, or times are bad, whether crime is on the rise or on the decline, we have put more people in prison.

Today, with crime rates at historic low levels, we might expect to see some relaxation in the demand for imprisonment. Using an analogy from another sphere, we might expect to see some sort of “peace dividend” – a lessening in the need for prison space as fewer arrests lead to fewer convictions and fewer sentences to prison. Granted, there have been a few states that have seen modest reductions in their prison populations, but the national picture has not changed. Less crime has not translated into fewer prisoners.

In my book on prisoner reentry (“But They All Come Back: Facing the Challenges of Prisoner Reentry”), I conclude that I do not see the political dynamics that could possibly result in a significant rollback in our current state of mass incarceration. We now operate a far-flung network of prisons, each with its own local political constituency. We count prisoners, for purposes of the decennial census, as “residents” of their prisons, meaning those counties with prisoners receive increased revenue sharing dollars and increased political representation, even though the prisoners cannot vote and do not require local services. Finally, there is the harsh reality that the people in prison are not politically salient – they are typically poor, mostly African American and Hispanic men, who come from our inner cities, and have committed serious crimes, often more than once. I wish that my political calculation reached a different result, but I am not optimistic that the current climate will support a serious effort to roll back our incarceration rates to anything approaching their levels in the 1970s.

Given this rather dismal state of affairs, what should we do?

I have a simple answer – simple in its formulation, but admittedly difficult in its execution. We have to change the way we frame the conversation.

For years, advocates for more reasonable penal policies have argued that America is punishing too harshly – that the use of prison has become too commonplace, that we

should develop alternatives to incarceration, and that our prison terms are too long. One can agree with those arguments – and I do – but we should recognize that these arguments are not getting very much traction in the public debate. Maybe at some time in the future, the political process will be more open to a reasoned discourse on punishment policy. But I see little light at the end of this particular tunnel.

Instead, I think we should step outside the debates on justice policy to engage in debates that place the phenomenon of mass incarceration in terms of other social policies. Allow me to give a few examples of what I mean.

We can, and should, engage in debates about the adequacy of prison health care. But we enlarge the policy frame, and bring new partners to the policy table, if we describe the era of mass incarceration through a public health lens. When we enlarge the frame, we realize that, because of our high rates of imprisonment, between 20 and 26 percent of the nation's individuals living with HIV or AIDS, 29 to 32 percent of the people with Hepatitis C, and 38 percent of those with tuberculosis were released from a jail or prison in America in 1997. Armed with these data, we can call upon our colleagues in the public health professions, their legislative allies, editorial writers who care about communicable diseases, and others to join the cause for more humane prisons – and, by extension, for fewer prisons.

We can, and should, engage in debates about the injustice inherent in sending a parent to prison. But we enlarge the conversation and enlist more allies when we talk about the era of mass incarceration in terms of the broad impact upon children and families in America. In 2002, 1 in 45 minor children in America had a parent in prison. These children represent 2 percent of all minor children in our country, and a sobering 7 percent of all African-American children. If we add parents who are in jail, or on probation or parole, well over 10 percent of all minor children in America have a parent under criminal justice supervision.

We can add another frame to this discussion of the impact of mass incarceration on children and families. An anthropologist named Donald Braman conducted some ground-breaking research in Washington, D.C, studying the impact of incarceration on that city's neighborhoods and families. He found that half of the women in the nation's capital live in communities with low incarceration rates. In those neighborhoods, there are about 94 men for every 100 women. For the rest of the women in D.C. – whose neighborhoods have higher incarceration rates – the ratio is about 80 men for every 100 women. But for the ten percent of neighborhoods with the highest incarceration rates – where more than 12 percent of the men are behind bars – there are fewer than 62 men for every 100 women. Braman calls this the “gender imbalance” and it is having a detrimental impact on family life in those neighborhoods. The very idea of maleness – of dating relationships – of parenting – all are affected by the low availability of men overall, and marriageable men in particular.

Broadening the frame in these ways brings other policy advocates to the justice table – and allows us to find common cause with organizations and individuals interested in child well-being, families, women’s rights, and fatherhood.

I would like to give one more example – by talking about the relationship between prisons and work. We can, and should, advocate for effective job training, education, skill building, and employment programs in prison. We can, and should, advocate for more employment programs on the outside, ready to work with returning prisoners to help them find jobs, particularly good jobs. There is nothing wrong, and everything right, with this policy agenda, and I applaud people – including many in this room – who are fighting the good fight for more employment programs for prisoners and returning prisoners.

Yet I fear that we might miss the larger story if we are not careful. And the larger story is sobering indeed. The job prospects for formerly incarcerated individuals are very bleak. They are barred from many jobs by statute. They are de facto barred from many other jobs because employers today typically conduct background checks and, as had been vividly demonstrated by labor audits, employers are 40 percent less likely to hire someone with a criminal record.

But even these analyses miss the larger point. Labor economists estimate that, because of these barriers to good jobs, the lifetime earnings of a former prisoner are 10 to 30 percent lower than for a comparable individual who has never been in prison. This means that in those neighborhoods where rates of incarceration are high – mostly poor, inner city communities of color, already struggling with enormous economic disadvantages – our prison policies have the effect of depressing the economic output of an entire community.

When we combine the effects of race and class, our incarceration policies have particularly devastating impact. In 2000, nearly a third of young African-American male high school dropouts were in prison or jail. This is three times their rate of incarceration a short twenty years earlier. For these young African-American men who had dropped out of high school, the incarceration rates were nearly fifty times the national average. Clearly our era of mass incarceration is having a profoundly damaging effect on the life changes of economically disadvantaged, poorly educated African-American men.

Changing the frame to discuss the larger economic impacts of mass incarceration is not intended to shift the focus away from the quest for employment and training programs for current and returning prisoners. On the contrary, it is my hope that this wider frame would provide new ammunition – and enlist new allies – to that policy agenda. I would hope that this broader frame would encourage advocates and policy makers to be even more ambitious in thinking about their policy options.

Before closing, allow me to sketch out a policy agenda that corresponds with this larger frame. If, as we now know, the economic impact of imprisonment on already poor communities is significant, what would be the policy response that would mitigate that damage? If, as we now know, the high rates of incarceration are contributing to the

marginalization of poor, uneducated Hispanic and African American men, what program would offset this harm? In my view, framing the policy question this way moves us toward a very ambitious set of employment interventions designed to help large numbers of returning prisoners find their place in the workforce. Just as the country did a decade ago with welfare reform, this version of a justice reform agenda would place a premium on securing high levels of employment among the ex-offender population. Instead of welfare-to-work, we would rally around the slogan of prison-to-work.

In this new era, we would insist upon full employment prisons. We would require that prisoners be engaged in meaningful work, or in productive programming, for a forty hour week. We would place a premium on jobs on the inside that could carry over to a job on the outside. We would provide tax breaks to private sector employers that wanted to come inside the prisons, train inmates, and guarantee the best of them jobs on the outside. We would ensure that every returning prisoner able to work would have a decent job during his or her period of supervision. While we would prefer private sector jobs – and might even subsidize employers who provided them – we would also guarantee public sector jobs, performing work that was highly valued by the communities to which the prisoners returned. Why not have former prisoners rehabilitating housing for the elderly, building domestic violence shelters, providing clerical assistance to community organizations? We would create a network of employment intermediaries, organizations that would provide transitional support for former prisoners, including assistance with other issues such as drug treatment, healthcare, family relationships, and transportation. If we were to embrace a full employment goal for this population, we might succeed in reversing the devastating impact of mass incarceration on the economies of poor communities. Even better, we might support the reintegration of hundreds of thousands of individuals, mostly men, who now live their lives at the margin of our society.

Every idea I just mentioned has been tried somewhere in America, but not yet brought to scale. All we need to bring these to scale, all in one place, is a coalition of organizations that are committed to reversing the effects of mass incarceration. The example I just gave was centered on the issue of employment – but similar coalitions could be built around public health issues, child and family issues, housing and homelessness, and public safety. There is a deep irony here, I realize. Yes, I am arguing that we take mass incarceration as our current reality, and then organize coalitions to mitigate the harm of that reality. Yet I do not believe that this strategy will have the effect of maintaining the status quo, or perpetuating the era of mass incarceration. On the contrary, I firmly believe that the more people who understand this reality – the more policy sectors, public interest advocates, elected officials, and community leaders who come to grips with this tragic turn of events in American history – the larger the community that truly understands the impact of mass imprisonment on our pursuit of justice – social justice – racial justice – in America, then the greater the chances of success in bringing the era of mass incarceration to an end.

Thank you, and good luck.