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Abstract

This paper examines the costs and impacts of prison overpopulation and mass incarceration on individuals, families, communities, and society as a whole. We start with an overview of the American prison system and the costs of maintaining it today, and move on to an account of the historical background of the prison system to provide context for the discussions later in this paper. This paper proceeds to go into more detail about the financial and social costs of mass incarceration, concluding that the costs of the prison system outweigh its benefits. This paper will then discuss the stigma and stereotypes associated with prison inmates that are formed and spread through mass media. The stigma and stereotypes propagated by the media result in a negative social construction of prison inmates, contributing to a culture of incarceration that makes it difficult to end America's dependence on prisons. The final section of the paper discusses the challenges that come with changing the culture of incarceration, which include the deep entrenchment of said culture and the self-perpetuating nature of many of the problems associated with prison, and offers possible alternatives and solutions to incarceration and the problems associated with it.

Keywords

prisons, mass incarceration, families, communities, financial and social costs of mass incarceration

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This paper examines the costs and impacts of prison overpopulation and mass incarceration on individuals, families, communities, and society as a whole. We start with an overview of the American prison system and the costs of maintaining it today, and move on to an account of the historical background of the prison system to provide context for the discussions later in this paper. This paper proceeds to go into more detail about the financial and social costs of mass incarceration, concluding that the costs of the prison system outweigh its benefits. This paper will then discuss the stigma and stereotypes associated with prison inmates that are formed and spread through mass media. The stigma and stereotypes propagated by the media result in a negative social construction of prison inmates, contributing to a culture of incarceration that makes it difficult to end America's dependence on prisons. The final section of the paper discusses the challenges that come with changing the culture of incarceration, which include the deep entrenchment of said culture and the self-perpetuating nature of many of the problems associated with prison, and offers possible alternatives and solutions to incarceration and the problems associated with it.

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Introduction

The problem of prison overpopulation in the United States has grown at an alarming rate in the last few decades. According to The Pew Charitable Trusts (2010), the number of Americans incarcerated has grown from about 500,000 in 1980 to 2.3 million in 2010. This incarcerated population, the highest in the world, is roughly equivalent to more than 1 in 100 American adults. Johnson and Johnson (2012) put these numbers in perspective, pointing out that this translates to the United States effectively detaining almost a quarter of all of the prisoners in the world.

This staggering rate of incarceration is undoubtedly capable of putting a significant strain on government coffers. In California, for instance, each inmate is estimated to cost the state more than \$45,000 per year (MacDonald, 2013). With roughly 144,000 inmates detained in a state correctional system with a design capacity of only 83,219, MacDonald (2013) argues that prison overcrowding has reached a point where the prison system is no longer sustainable without increased public funding. The excessive amount of government funding required in maintaining the current prison system, then, begs the question: do the benefits of having such a large prison population outweigh the corresponding costs? In the following sections, this paper will examine the costs, both social and economic, of mass incarceration and prison overpopulation, as well as their effects on inmates, their families, their communities, and society as a whole.

It has been argued that reducing the population of inmates in penal facilities could lead to the undesired effect of an increase in crime. Levitt (1996), in his study on the effects of prison population, for example, examined state-level prison

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populations and crime rates from 1971 to 1993, and found that increased prison populations appear to have the effect of substantially reducing crime rates, with each additional prisoner incarcerated leading to a reduction of 15 crimes per year.

Beyond financial costs, it has been suggested that prison overpopulation may incur costs in other forms, as well. Some of these costs, for instance, might come in the form of their impact on how the government allocates its funds. Macdonald (2013), states that the expenditures associated with maintaining California's prison system also affect other state government programs, leaving less funds for healthcare, education, and public transportation. Other costs, meanwhile, could be social in nature. Johnson and Johnson (2012), for example, argue that the policies in Harris County, Texas that favor detention have a substantially larger impact on directly affected communities of African Americans and Hispanics. Andrews et al. (2010), add that incarceration isolates people from their communities, leading to increases in crime in those communities (Andrews et al., 2010, as cited in Johnson & Johnson, 2012).

Through a more in depth examination of the financial and social effects of maintaining a large incarcerated population, valuable insight may be gained as to possible changes that the government may undertake in response to the issues of increased crime rates and prison overpopulation.

Historical Background

Before delving deeper into the various effects of prison overpopulation a look into the historical background of the American prison system is useful in determining some of the causes behind the current severity of the problem. The beginnings of what would eventually go on to become the most

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overcrowded prison systems in the world can be traced back to the period after the signing of the Declaration of Independence. Prior to the signing, Americans typically utilized the penalties of death, banishment, and corporal punishment, rather than incarceration, in dealing with criminals (Campers, 2012). Jails were primarily only used to detain political offenders, religious offenders, and accused individuals awaiting trial (Barnes, 1921). In view of the humane philosophies espoused in the Declaration of Independence, criminal sanctions began to veer away from the perceived morally objectionable methods mentioned above to the more modern system of utilizing incarceration as the primary form of punishment for most crimes (Campers, 2012).

The shift towards incarceration was primarily motivated by ethical concerns, but political leaders failed to consider the inhumane conditions that individuals face within prison walls. Under the Pennsylvania system, which was introduced in 1790, inmates were subjected to solitary confinement under the logic that isolation would allow for self-reflection and repentance (Barnes, 1921). This system was viewed as a dignified treatment of prisoners. However, the Pennsylvania system was soon found to be too demanding in terms of space, leading to overcrowding. The Auburn system was then developed and introduced in New York in 1819. Unlike the Pennsylvania system, the Auburn system allowed more inmates to be held in smaller spaces and featured prisoners being subjected to isolation at night, and hard labor during the day. As the population of the United States continued to grow, however, more penal laws had to be enacted to maintain order. This led to an increase in incarceration, which eventually contributed to prison overcrowding. Soon, isolation would cease to become viable and penal theory was eschewed in favor of addressing concerns in financing and managing prisons.

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Prison labor was then seen as an opportunity for the state to make money, while conditions within prisons continued to deteriorate (Campers, 2012).

Viewed as a major obstacle to the goal of reformation, the growing problem of prison overpopulation then spurred the introduction of reformatories, indiscriminate sentences, parole, and probation to the correctional system. Probation and parole violations resulted in quickly imposed sentences, further worsening the problem of overcrowding. In an effort to curb this problem, major prison expansion efforts were undertaken in the 1930s. After World War II, rehabilitation once again became a focus, and more recreational and rehabilitative programs were introduced into the prison system. Despite these efforts, prison overpopulation remained an issue (Campers, 2012).

Between 1960 and 1990, politicians, eager to gain support, capitalized on a heightened concern for public safety, leading to policies that caused the incarcerated population to skyrocket (Campers, 2012). Attributed by many to the perceived leniency in punishing crime, especially for violent repeat offenders (Petersilia, 2011), the government attempted to address the soaring crime rates by constructing a large number of prisons in the 1980s. To give an idea of the scope of this prison construction project, California, which had taken more than a hundred years to construct its first nine prisons, doubled this number in a span of six years, from 1984 to 1989 (Davis, 2003). In 2012, Campers noted that politicians promised to wage war on drugs and crime by placing more police officers on the street. They also passed measures that were “tough on crime;” these were designed to change how offenders were punished for their crimes. Such measures included the “three strikes” law, mandating prison sentences for repeat offenders, and guidelines

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mandating sentences for offenders who may have previously received probation. Mandatory minimum sentencing was also introduced regardless of mitigating circumstances, and truth-in-sentencing measures requiring prisoners to serve a larger portion of their sentence before they were eligible to receive parole.

While these efforts initially had the positive impact of taking more criminals off the streets, politicians failed to take into account their negative long-term effects, particularly with respect to the incarcerated population. Added police officers and more aggressive campaigns against crime had the natural effect of increasing the number of arrests (Campers, 2012). Davis (2003) argues that “the practice of mass incarceration during that period had little to no effect on official crime rates,” that “in fact, the most obvious pattern was that larger prison populations led not to safer communities, but, rather, to even larger prison populations” (p. 12). Despite the numerous prisons constructed in the 1980s, prison overcrowding still grew to unmanageable levels. According to MacDonald (2013), in California, the Uniform Determinate Sentencing Act of 1976 drove prison overpopulation to such heights that, in 2006, the levels of overcrowding in the state’s prisons were deemed to be cruel and unusual punishment by the United States Supreme Court.

Although arrests increased, the campaigns against crime primarily targeted low-level drug offenders and street criminals, resulting in an unprecedented number of nonviolent offenders being incarcerated (Campers, 2012). Considering the number of nonviolent offenders incarcerated, these policies have failed their purpose of protecting the public while serving as a key factor in the rapid rise in incarceration rates observed in the last few decades. Although some steps have been taken against prison overpopulation, such as the 2009 court decision ordering

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California to lower state prison populations to 137.5% of design capacity by 2013 (MacDonald, 2013), the measures taken in meeting this goal do not appear to have been cost-effective, with the level of state spending on corrections reaching a historic high (Loftstrom & Martin, 2015).

Financial Costs

Over the past few decades, the costs associated with maintaining America's prison system have grown at such a rapid pace that local, state, and federal governments now struggle to keep up with related expenses, even as results fail to reflect the large amount of spending. According to Kirchhoff (2010) in a report from the Congressional Research Service, in 2006, \$68.7 billion was spent on the corrections system—a staggering increase of 660% from 1982. In 2008, those costs continued to grow, totaling nearly \$75 billion for federal, state, and local governments combined. Evidence points towards public spending on the prison system yielding diminishing returns, with crime rates stabilizing, or even decreasing, since the early 1990s, while associated costs continue to grow (Kirchhoff, 2012).

Maintaining such a prison system becomes even more costly when one considers that other state agencies and programs also suffer from the strain that the corrections system puts on the overall state budget. According to Kirchhoff's report (2010), "state governments, on average, spend about 7% of their general fund revenues on incarceration. During the past three decades correctional spending has risen nearly twice as fast as state spending on education, health care, and social service programs" (pp. 2-3). In California, for instance, "the prison system now consumes a larger share of general revenues (10%) than higher education (7%)" (Kirchhoff, 2010, p. 3). As MacDonald (2013)

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puts it, “California’s costly correctional system financially affects every other state government program,” (p. 15) depriving taxpayers of benefits and government services that they might have otherwise enjoyed. Henrichson and Delaney (2012) offer another way of viewing prison expenses by factoring in indirect costs, or expenses not included in state corrections budgets, that taxpayers shoulder by keeping inmates in prison. Taking into account “(1) costs that are centralized for administrative purposes, such as employee benefits and capital costs; (2) inmate services funded through other agencies, such as education and training programs; and (3) the cost of under-funded pension and retiree health care plans,” (Henrichson & Delaney, 2012, p. 3), it was found that, across 40 states, taxpayers actually paid \$39 billion in maintaining their state prison systems. Compared to the \$33.5 billion shown in state corrections budgets, this figure reveals that, in these 40 states, \$5.4 billion was spent from other state budgets and programs to maintain prisons. In other words, maintaining the prison system not only results in other government programs receiving a smaller share of the overall budget, but also directly diminishes the budgetary allocations for those programs by incurring additional costs.

Social Costs

While America’s prison system already involves massive financial expenditures from the government and taxpayers, mass incarceration incurs considerable social costs on individuals, family members, and entire communities as well. Within prisons, inmates themselves are subjected to inhumane conditions, inadequate medical care, insufficient protection from harm, and increased risk for mental illness (Johnson & Johnson, 2012). Inmates are also subjected to stigmatization, from the

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time of the arrest, up to the time after they are released, with arrest and conviction serving as public events that produce shame and with their status as ex-offenders acting as a label that often becomes a defining characteristic, bringing with it distrust and lack of credibility (Austin, 2004).

Mass incarceration has been shown to contribute to increased income inequality and poverty concentration (Kirschhoff, 2010). According to The Pew (2010), incarceration has a substantial negative impact on an individual's economic prospects, with former inmates experiencing reductions in "hourly wages for men by approximately 11 percent, annual employment by 9 weeks and annual earnings by 40 percent" (p. 4). Moreover, for former inmates, finding legitimate employment is especially challenging, as their criminal record often works against them, with employers less likely to hire individuals holding these records due to the social stigma attached to incarceration (MacDonald, 2013). Indeed, incarceration is not just damaging in terms of possible income lost while an inmate is in jail. Incarceration impacts an individual's future prospects, as well as making it more difficult for those who are released to get back on their feet.

The negative effects of incarceration extend to the families of inmates as well. Although some incarcerated individuals already burdened their families financially prior to incarceration by being unemployed or engaging in substance abuse, for other families, the imprisonment of a member can entail the loss of their primary source of income. For families that maintain contact with incarcerated members, this could also mean the added responsibility of supporting inmates who depend upon them for money, communication costs, and personal items (Delgado, 2011). After a prisoner's release, these families are put

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at a disadvantage by the inability of former inmates to support their families due to the aforementioned difficulty in finding employment, as well as certain post-conviction penalties that preclude them from qualifying for subsidized housing and from obtaining a job (Austin, 2004). Statistics from The Pew Charitable Trusts (2010) reveal that the average family income during the years that a father is incarcerated is 22% lower than income during the year before the father's incarceration.

Putting financial impact aside, incarceration has also been shown to be particularly damaging to the family unit itself. In terms of relationships, studies reveal that 45% of inmates lose contact with their families, while 22% of those that are married end up divorced or separated. As for the children, research has shown that a lack of sufficient access to an incarcerated parent could harm their relationship and affect the child's development. (Delgado, 2011) In addition, statistics show that children whose fathers have been incarcerated are significantly more likely than other children to be expelled or suspended from school (The Pew Charitable Trusts, 2010), suggesting that the incarceration of a parent can also severely hurt their children's long-term educational and economic prospects. Furthermore, families of inmates are often also subjected to social stigma, and in many cases, "the behavior of the offender is...extended to his or her family," and "family members are often treated as 'guilty by association'" (Delgado, 2011, p. 7). Families may also feel a significant sense of grief or loss for the incarcerated member, and they may encounter difficulties in openly expressing this, as social attitudes in response to incarceration can often be unsympathetic or even downright antagonistic. All of these factors create an environment of increased stress and hardship

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for families of incarcerated individuals, and can place already fragile families in a position of heightened risk. (Delgado, 2011)

Many of these families are likely to be found in communities of ethnic minorities, as supported by statistics from The Pew (2010) showing that incarceration is strongly concentrated in these minorities, with “one in 87 working-aged white men in prison or jail, compared with 1 in 36 Hispanic men and 1 in 12 African American men” (p. 4). Grattet and Hayes (2015) report that non-white or Latino racial groups make up less than two-thirds of the California adult population, but these groups make up three-quarters of the men in prison. Latinos comprise 42% of the prison population, while African Americans and other nonwhite races constitute 29% and 6%, respectively.

According to Johnson and Johnson (2012), housing in the United States is highly segregated along race and socioeconomic status. In Texas, at least half of former inmates belong to neighborhoods that comprise only 15% of the city’s population, are overwhelmingly African American, and are the sites of a large number of arrests. They add that “jail admissions tend to increase within precincts with higher rates of poverty and racial segregation, and lower rates of human capital,” with such concentration serving to “cycle criminality rather than reduce it” (Johnson & Johnson, 2012, pp. 70-71). Research has shown that police are more aggressive in communities of ethnic minorities, making significantly more arrests for low-level offenses in these communities than in wealthy suburban neighborhoods, where such arrests are rare (Howell, 2010, as cited in Johnson & Johnson, 2012). Taking drug- related arrests as an example, Bobo and Thompson (2010) use survey data to point out that “the best credible evidence suggests that there is no gaping

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black-white difference in rates of illegal drug consumption, yet there are gaping differences in the rates at which blacks and whites end up behind bars”(p. 334). In Seattle, although white people constitute the majority of those who deliver methamphetamine, ecstasy, powder cocaine, and heroin, and African Americans only constitute the majority of those who deliver crack cocaine, 64% of arrests involving the delivery of these five drugs are made on African Americans, and “predominantly white outdoor drug markets received far less attention than racially diverse markets located downtown.” (Beckett et al., 2006, as cited in Bob & Thompson, 2010, p. 335)

One alarming effect of this lopsided focus on certain communities is how it can serve to make people in these communities feel that incarceration is an unavoidable, everyday occurrence. According to Johnson and Johnson (2012), “communities that experience higher rates of incarceration tend to become immune to the stigma of incarceration, and this often results in an acceptance and expectation of incarceration” (p. 74). In other words, misguided efforts to solve crime have actually served to perpetuate the problem in these communities, and it is partly due to destructive circumstances like these distorted views on ethnic minorities, former inmates, and incarcerated individuals are bred and preserved, so much so that individuals from these communities can even end up experiencing changes on how they view themselves.

Outsiders’ Views on Prison Inmates

Many of these negative stereotypes on inmates and former inmates are widespread and pervasive in society today. Inmates regularly engage in illicit and violent activities in prison (Chong, 2013), and are also perceived to be “morally

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incompetent, unredeemable,” and more likely to engage in criminal activity after their release (Austin, 2004, p. 177). Members of ethnic minorities bear the added burden of racial stigmatization and stereotyping partly due to the high concentration of crime in ethnic minority neighborhoods. According to Austin (2004), race is strongly associated with “deviance, particularly sexual depravity, economic irresponsibility, and lawbreaking,” and those with black or brown skin are viewed as “unintelligent, lazy, and dishonest” (p. 178).

Besides having an impact on the disproportionate arrest and incarceration rates in certain neighborhoods, mass media can also be said to play a significant role in the creation and perpetuation of these stereotypes. Television newscasts in the Los Angeles area, for instance, when examined against arrest reports, have been found to underrepresent ethnic minorities as victims compared to their white counterparts, and to underrepresent white individuals as perpetrators (Dixon & Linz, 2000, as cited in Dixon & Maddox, 2005). Driven by vested interests and the pursuit of profit, television networks have also strengthened the idea that crime is out of control by increasing the news coverage of crime (Davis, 2003). As the common saying in television and news circles goes, “if it bleeds, it leads,” (Rideau, as cited in Chong, 2013, p. 2), and this is easily evident in the fact that from 1990 to 1998, crime was the number one topic on nightly news, with coverage on homicide growing almost four times across three major networks, even as national homicide rates decreased by about half (Davis, 2003).

This disproportionate focus on crime did not only help justify the very policies that contributed to mass incarceration in the first place (Davis, 2003), but also aided in the formation and

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perpetuation of negative views of prison inmates. Such a powerful fixation on crime in news coverage will invariably include crimes perpetrated among inmates in the prison system. According to Chong (2013), “popular media and news outlets have contributed to the often hysterical and violent view of the inmate community,” and “the accumulated emphasis on violent and deviant aspects of the inmate community has led to stereotypes and assumptions, producing limited understandings of the interactions in and amongst incarcerated men,” (p. 2) which make for negative generalizations on inmates that fail to reflect their actual diversity. Inmates are viewed by society as a homogenous class of mean and violent individuals, when in reality; they come from all walks of life.

The entertainment industry is also guilty of perpetuating a negative view of prison culture, particularly with respect to television and film. According to Davis (2003), due to the pervasive presence of images of prison on television and film, it is impossible to avoid the shaping of societal views on incarceration carried out by the media. Fenwick (2009) examined these representations of prisons in the film industry and how they serve to shape the views of society on incarceration, and found that, similar to news outlets, the film industry also exaggerates violence within prisons, with films generally depicting greater levels of violence compared to findings in existing research. Fenwick (2009) describes the presentation of inmate violence in prison films as overwhelming, with film depictions presenting a version of prisons where the severity and frequency of violent acts committed by inmates is greatly overplayed, and where inmates are likely to kill each other, homicide being the most common violent offense perpetrated. According to Fenwick (2009), this is problematic,

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because for the vast majority of people who will never experience incarceration firsthand, mass media can become the only source for images of prison. Through the film industry, the public gains knowledge of the prison system in America, but knowledge derived from these manufactured and distorted, images of incarceration in America could result in an inaccurate social construction of inmates and prisons that is far removed from reality.

Fenwick (2009) argues that the film industry, and media in general, can be a very powerful force in politics, helping to decide what is socially acceptable for Americans. In the context of mass incarceration in the United States, Davis (2003) claims that the media can be instrumental in legitimizing the policies that are some of the root causes of prison overpopulation today. By leading the general public to think that inmates are a violent and undesirable sector of society, and that it is in everyone's best interests to keep them away from the streets to preserve public safety, media outlets end up reinforcing the reasoning behind "tough on crime" policies, which makes it difficult to push for genuine reforms in America's response to crime.

Changing the Culture of Mass Incarceration in America

It appears, then, that changing the culture of mass incarceration in America would be no easy task. Based on what has been discussed in this paper, we come to the conclusion that the costs of the American prison system far outweigh the benefits derived from it. The United States continues to rely on mass incarceration as the main method of punishing crime, with no significant policy changes in sight. For such a costly and bloated prison system to survive and thrive, there must be a culture of incarceration in place to support it, and today's culture

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is pervasive. According to Davis (2003), media images and popular culture have contributed to prisons having become “a key ingredient of our common sense” (p. 18). Prisons have become so closely associated with safety and security that it would simply be unthinkable to imagine a United States without prisons. (Davis, 2003) With only a handful of large conglomerates controlling the media industry in the United States (Fenwick, 2009), and with the perpetuation of the current prison system aligned with the corporate interests of these conglomerates, it would certainly be unlikely to expect any changes in the common perception of incarceration to originate from within mass media.

Another aspect of the public perception of incarceration is how on the surface, it can appear to most that it is serving its purpose when, in reality it has not. Similar to how tougher measures on crime initially lowered crime rates in the 1970s (Campers, 2012), common sense might dictate that more offenders put in jail would mean less criminals on the streets which, would translate to greater public safety. One would have to take the effort to dig deeper into statistics and research to find that mass incarceration is failing to solve the problem, as it might not be readily apparent to the average person that our current approach actually plays a role in worsening the very issue it was meant to address, and that there might be other more appropriate ways of tackling crime.

A number of problems associated with mass incarceration may be described as self-perpetuating in the sense that many of the results or effects of these problems can serve to worsen the problems themselves. Large prison populations lead to even larger prison populations, according to Davis (2003), which may partly be attributed to the short- and long-term effects

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of incarceration on individuals and their families. Former inmates often find it difficult to find legitimate employment (MacDonald, 2013), and generally end up earning less than they did before incarceration (The Pew Charitable Trusts, 2010). These difficulties that former inmates face could conceivably push them to resort to illegitimate means to support themselves and their families, putting them at greater risk of further incarceration. Children of inmates are more likely to be expelled or suspended from school (The Pew Charitable Trusts, 2010). Dealing with the separation from a parent and the strain of a broken family may also make these children prone to incarceration (Delgado, 2011). Moretti (2005) wrote that education reduces criminal activity, and that a lack of parental supervision may lead to delinquency (Fry, 2010).

The concentration of crime among certain neighborhoods and ethnic groups could also be self-perpetuating in the sense that high crime rates in these groups and neighborhoods could lead to racial profiling and an increased police focus on specific areas. Racial profiling and increased police aggression in pursuit of arrests in specific neighborhoods could then worsen crime in these communities due to the effects of concentration of crime and the social impacts discussed above. They could also skew crime statistics, thus reinforcing the mistaken view that these practices are effective. Skewed crime statistics and racial profiling could justify even more aggressive pursuits of arrests further worsening the problem of crime concentration.

The media tends to exaggerate crime and prison violence, which legitimizes existing policies on crime (Davis, 2003), and could possibly justify future policies that may lead to even more arrests and incarcerations. The retention of existing

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policies and the addition of more such policies, would lead to even greater levels of prison overpopulation. This could cause more incidents of violence in prisons and perpetuate negative views on inmates, considering that according to Gaes and McGuire (1985), prison crowding has been shown to be a strong factor in determining assault rates among incarcerated individuals.

According to Austin (2004), the stigma attached to inmates produces significant negative social and psychological effects, such as rejection and disrespect from the community, and shame on the part of the stigmatized. As pointed out by Johnson and Johnson (2012), this leads the stigmatized to eventually accept their label, and expect to be incarcerated, suggesting that the stigma produced by mass incarceration can be self-fulfilling for former inmates. This stigma has also been used to justify policies in some states prohibiting ex-offenders from voting, in an effort to supposedly protect the integrity of the democratic process. These policies serve to politically disenfranchise former inmates, precluding them from participating in discussions on the prison system and in the electoral processes that could lead to changes in the very system that they experienced firsthand (Austin, 2004).

The culture of mass incarceration and the way that the prison system is set up in America makes for an environment that discourages progressive change, and further buries its victims under additional burdens, making it inordinately difficult for former inmates to recover from the damage dealt by incarceration. Under the current prison system, humans are placed into an environment that fosters dehumanization and helplessness; effects that the victims will live with for years to come. This system was designed to satiate the desires of the rich

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and powerful, with little regard for the well-being of its victims. Human beings are fed into a system designed to satisfy the desires of the rich and the powerful, without any regard for its dehumanizing effects and the helplessness that its victims are left with.

Although it is beyond the scope of this paper, there have been many arguments made in favor of reforming our prisons. Davis (2003) suggests that prisons have become obsolete. With the current discussion revealing how mass incarceration has failed to address the problem of crime, and, on the contrary, even served to create new and even graver problems, perhaps it truly is time to consider the obsolescence of prisons and a complete reworking of the way we handle crime and justice. To adequately and fittingly address the problem of crime and to reverse the effects of mass incarceration on society, a more holistic and egalitarian approach must be employed, perhaps involving stronger governmental support for those in need, and a greater focus on reformation and prevention, rather than retribution (Davis, 2003). Education, healthcare, and welfare could be prioritized, the justice system could be reworked to encourage reconciliation rather than vengeance, and key areas, such as drug use, could be decriminalized, so that the government might be able to step in and offer rehabilitation, rather than punishment (Davis, 2003).

The question is, with the culture of incarceration so deeply entrenched today, will it ever really be possible to remove or replace the role of prisons in society? As daunting of a task as it may seem, it is definitely possible. If the culture of incarceration was made, then it can be unmade, and it must start with how people view prisons. Through efforts of activists and academics, one day the truth about the penal system will

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overcome our collective dependence on prisons, and we can begin building a justice system that will genuinely address the problem of crime. Once that happens, we will treat people not as cattle, but as human beings worthy of respect and dignity.

References

- Austin, R. (2004). The shame of it all: Stigma and the political disenfranchisement of formerly convicted and incarcerated persons. *Columbia Human Rights Law Review*, 36, 173-192.
- Barnes, H. (1921). Historical origin of the prison system in America. *Journal of Criminal Law and Criminology*, 12(1), 35-60.
- Bobo, L. & Thompson, V. (2010). Racialized mass incarceration: Poverty, prejudice, and punishment. In H. Markus & P. Moya (Eds.), *Doing race: 21 essays from the 21st century* (pp. 322-355). New York: Norton.
- Campers, S. (2012). *A failing correctional system: State prison overcrowding in the United States* (Undergraduate thesis). Retrieved from http://digitalcommons.salve.edu/cgi/viewcontent.cgi?article=1079&context=pell_theses
- Chong, C. (2013). *Inmate-to-inmate: Socialization, relationships, and community amongst incarcerated men* (Undergraduate thesis). Retrieved from <http://legalstudies.berkeley.edu/files/2013/10/Christine-Chong-Sp13.pdf>
- Davis, A. (2003). *Are prisons obsolete?* New York: Seven Stories Press.

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- Delgado, K. (2011). *The impact of incarceration on families: A summary of the literature*. Retrieved from http://corescholar.libraries.wright.edu/cgi/viewcontent.cgi?article=1004&context=psych_student
- Dixon, T. & Maddox, K. (2005). Skin tone, crime news, and social reality judgments: Priming the stereotype of the dark and dangerous black criminal. *Journal of Applied Social Psychology, 35*(8), 1555-1570.
- Fenwick, M. (2009). *Reel images: Representations of adult male prisons by the film industry* (Doctoral dissertation). Retrieved from <http://scholarcommons.usf.edu/cgi/viewcontent.cgi?article=2961&context=etd>
- Fry, J. (2010). *Change in family structure and rates of violent juvenile delinquency* (Masters thesis). Retrieved from http://scholar.lib.vt.edu/theses/available/etd-05192010-095240/unrestricted/Fry_JF_T_2010.pdf
- Gaes, G. & McGuire, W. (1985). *Prison violence: The contribution of crowding versus other determinants of prison assault rates*. *Journal of Research in Crime and Delinquency, 22*(1), 46-45.
- Grattet, R. & Hayes, J. (2015). *California's changing prison population*. Retrieved from http://www.ppic.org/main/publication_show.asp?i=702
- Henrichson, C., & Delaney, R. (2012). *The price of prisons: What incarceration costs taxpayers*. Retrieved from <http://www.vera.org/sites/default/files/resources/downloads/price-of-prisons-updated-version-021914.pdf>
- Johnson, M., & Johnson, L. (2012). *Bail: Reforming politics to address overcrowded jails, the impact of race on detention, and community revival in Harris County*,

- Texas. *Northwestern Journal of Law & Social Policy*, 7(1).
- Kirchhoff, S. (2010). *Economic impacts of prison growth*. Retrieved October 12, 2015, from <https://www.fas.org/sgp/crs/misc/R41177.pdf>.
- Levitt, S. (1996). The effect of prison population size on crime rates: Evidence from prison overcrowding litigation. *The Quarterly Journal of Economics*, 111(2), 319-351.
- Lofstrom, M. & Martin, B. (2015). *How California reduced its prison population* [Web log post]. Retrieved from http://www.ppic.org/main/blog_detail.asp?i=1676
- MacDonald, M. (2013). Reducing California's overcrowded prison population. *Themis: Research Journal of Justice Studies and Forensic Science*, 1, 7-20.
- Moretti, E. (2005). *Does education reduce participation in criminal activities?* Retrieved from http://devweb.tc.columbia.edu/manager/symposium/Files/74_Moretti_Symp.pdf
- Petersilia, J. (2011). Beyond the prison bubble. *NIJ Journal*, 268. Retrieved from http://www.nij.gov/journals/268/pages/prison_bubble.aspx
- Schmitt, J., Warner, K., & Gupta, S. (2010). *The high budgetary cost of incarceration*. Retrieved from <http://www.cepr.net/documents/publications/incarceration-2010-06.pdf>
- The Pew Charitable Trusts (2010). *Collateral costs: Incarceration's effect on economic mobility*. Retrieved from http://www.pewtrusts.org/~media/legacy/uploadedfiles/pcs_assets/2010/CollateralCosts1pdf.pdf

THEMIS

Peter Hanna was born and raised in San Jose, California. He was educated at San Jose City College and received an AAS in Liberal Arts, with an emphasis on social and behavioral sciences. This has given him the skills of critical thinking and anthropological analysis, both of which are integral for any future attorney. From early on, Hanna was interested in the wide sphere of jurisprudence. He possesses a good knowledge of human nature, and an increasing interest in ethics and morals, which have deepened his anthropological interests. Hanna is currently an undergraduate in the Political Science Department at San Jose State University, and plans to graduate from in spring 2017. His academic interests include local and state politics, correctional systems, and criminal law in California. After completing his bachelor's degree, he plans to attend law school and pursue a career as a criminal defense attorney.

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