

The Growth of **INCARCERATION** in the United States

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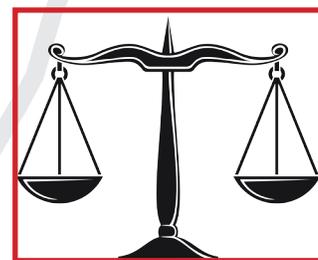
March 2015

ISSUE BRIEF

Principles to Guide Policies on Punishment

After decades of stability, U.S. federal and state prison populations escalated steadily between 1973 and 2009, growing from about 200,000 people to 1.5 million. The increase was driven more by changes in policy—measures that imprisoned people for a wider range of offenses and imposed longer sentences – than by changes in crime rates. Has this greater reliance on incarceration yielded significant benefits for the nation, or is a change in course needed?

To answer that question, a committee of the National Research Council examined the best available evidence on the effects of high rates of incarceration. The committee found no clear evidence that greater reliance on imprisonment achieved its intended goal of substantially reducing crime. Moreover, the rise in incarceration may have had a wide range of unwanted consequences for society, communities, families, and individuals. The committee's report, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, urges policymakers to reduce the nation's reliance on incarceration and seek crime-control strategies that are more effective, with better public safety benefits and fewer unwanted consequences.



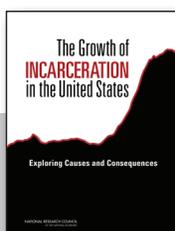
Incarceration Rose as Emphasis Shifted from Rehabilitation to Retribution

Incarceration in the U.S. rose alongside—and partly because of—a major shift in society's thinking about the purpose of punishment. Early in the 20th century, the goal of rehabilitating offenders was central to mainstream thinking about punishment's purpose; though often compromised in practice, society's interest in a rehabilitative purpose was deemed central to the prison experience. During the 1970s and 1980s, criminal justice policy became much more punitive, and the primary goal of prison shifted from rehabilitation to retribution and crime control. Policy makers enacted laws that were meant to send many more people to prison and to keep them there longer.

Principles of Restraint Needed to Balance Emphasis on Retribution

The recent narrowing of emphasis to holding offenders accountable and controlling crime has caused society to lose sight of four other values that have informed criminal justice in the United States and Europe for hundreds of years.

Proportionality. Proportionality requires that sentences for crimes be in relation to their seriousness and the degree of moral responsibility of the individual charged. In recent decades, this principle was eroded by laws that often disconnected the severity of punishments from the seriousness of crimes, such as mandatory minimum sentences and three-strikes laws. Under these laws, low-level drug crimes often were punished as severely as serious acts of violence, and some misdemeanors and minor property felonies were punished as



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severely as homicides, rapes, and robberies.

Parsimony. Like proportionality, parsimony is a traditional idea in criminal justice that remains highly relevant to debates about the appropriate use of imprisonment. This principle holds that punishment that is more severe than is required to achieve valid and applicable purposes is morally unjustifiable. The idea of parsimony as a restraint on punishment expresses the belief that infliction of pain on another human being is something that, when it must be done, should be done as little as possible.

Citizenship. The principle of citizenship requires that a person's status as a member of a community not be fundamentally harmed by incarceration; the state's decision to deprive a person of liberty temporarily should not lead to permanently diminished citizenship. Respect for citizenship would require the review of certain conditions of confinement that place prisoners at risk of significant harm, such as lengthy periods of isolation or administrative segregation. This principle also demands a broad review of the penalties and restrictions faced by the formerly incarcerated in their access to the social benefits, rights, and opportunities that might otherwise promote their successful reintegration following release.

Social Justice. The principle of social justice requires that a penal system, at a minimum, avoid adding to social inequality or reduced opportunity. Social justice is also served by improvements in public safety, particularly when crime is reduced among poor and marginal populations. Since evidence suggests that already-disadvantaged communities have not clearly become safer as a result of the growth of incarceration and may have suffered significant negative effects, high incarceration rates have likely failed to deliver social justice.

Using the Principles to Guide Policy

Policymakers should consider the four principles as they weigh sentencing and prison policies, using them to complement the objectives of holding offenders accountable and combating crime. Together, they help define a balanced role for the use of incarceration in U.S. society.

- **Proportionality:** Is the severity of sentences appropriate to the seriousness of the crime?
- **Parsimony:** Is the punishment the minimum necessary to achieve its intended purpose?
- **Citizenship:** Do the conditions and consequences of punishment allow the individual to retain his or her fundamental status as a member of society, rather than violating that status?
- **Social justice:** Do prison policies promote and not undermine the nation's aspirations to be fair in terms of the rights, resources, and opportunities people have?

This issue brief is one in a series prepared by the Committee on Law and Justice based on the report *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. The study was sponsored by the U.S. Department of Justice and the MacArthur Foundation. Any findings, conclusions, or recommendations expressed in this publication are those of the study committee and do not necessarily reflect those of the sponsors.