

Mopping the Floor While the Tub Overflows:

Concerns About More Prison Expansion & Less Crime Prevention

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Through the 1980s and 1990s, spending in for criminal justice – and especially for prisons – has increased dramatically. While punishing criminals and ensuring public safety are important, the expenditures far surpass inflation and bear no relationship to crime rates in any state. Little accountability or oversight has gone with these vast sums of money to ensure that taxpayers are getting good value for their hard-earned money. A recent report by the Comptroller of Public Accounts for Texas is extremely skeptical that the enormous sums of money poured into the criminal justice and the aggressive prison expansion have made that state any safer. The striking conclusion of this political and fiscal conservative is:

"despite the need for real solutions, public debate over crime in Texas revolves around hollow calls for the state to become 'tougher'. In fact, this is a call for the status quo – for more of the same, only more so. It is a call for a continuing cycle of cynical quick fixes and stop-gap measures, for costly prison construction that cannot keep pace with the demand for new prison space – *for a constant drain on state and local treasuries that makes Texas taxpayers poorer, not safer*" (emphasis original).

Most states have not performed such an audit, but they should. Many of the findings from Texas apply elsewhere and should at least be considered fully before any state embarks on another round of costly prison building .

How much longer can this prison buildup continue? What will be the social and financial cost of continuing the incarceration binge?

At the present time, the Michigan Department of Corrections budget represents 16% of the total state budget (not including the proposed spending). This share is up from 9% in 1990 and 3% in 1978. This pattern is similar in many other states. Michigan DOC is now the largest expenditure of the general fund, which means Michigan spends more on prisons than on the state university system. The proposed new prison construction represent not just a large one time expenditure, but an expensive ongoing commitment for operations. Indeed, a report by the House Fiscal Agency and the Senate Fiscal Agency noted that the

operating budget over the useful life of the prison will "cost the state nearly 60 times the facility's initial construction cost". New construction thus represents the tip of a large financial iceberg that will be added to the largest state bureaucracy.

It already takes the contributions of three average Michigan taxpayers to support one inmate, and prison construction locks more taxpayers into funding the DOC. Because citizens have spoken in intense opposition to further tax increases, money spent to enlarge the state's behemoth collection of prisons has what economists call an opportunity cost: money spent here cannot fund other programs. Some trade-offs are inevitable, but increasingly the DOC budget is eroding money for schools, education, drug and alcohol treatment, and a host of programs that seek to create law abiding citizens rather than simply punish them after a criminal act. One criminologist likens this tactic to "mopping the water off the floor while we let the tub overflow. Mopping harder may make some difference in the level of the flood. It does not, however, do anything about the open faucet."

Spending more money on prisons to house criminals rather than on social programs to prevent crime is short-sighted; it is a strategy that is not sustainable in the long run and an expensive way to threaten the public safety of the state.

Further, the 'imprisonment binge' across the United States and in Michigan has had a disproportionately high impact on the young in African American communities. Representation of African Americans in prison is much higher than would be expected from their prevalence in the general population or their officially recorded participation in street crime. Currie notes that "nationally, there are twice as many black men in state and federal prison today as there were men of all races twenty years ago." The high number of young men in prison removes a potential wage earner from a family and disrupts the formation of stable families. The period of incarceration does little to promote cooperative and compassionate behavior, nor does it significantly enhance skills that will expand legitimate employment opportunities available when inmates are released. Racial discrimination in employment combined with a reluctance to hire ex-convicts permanently marginalizes many minority youth from legitimate society and makes a return to crime more likely.

The net effect of this whole process is to reinforce in whites the stereotypes of African American youth as inherently criminal and unemployable, when these characteristics are produced by social policies. The high rates of imprisonment and marginalization contribute to frustration, racial tension and hostility in the minority community. Some of this sentiment is captured in the title of Jerome Miller's book *Search and Destroy: African American Males in the Criminal Justice System*. Governor Engler should release a projected racial breakdown of the inmates who will be filling the new cells, so citizens can see if the new

construction will add further to minority over-representation and thus exacerbate existing racial problems.

Can privatization of prisons and prison services help save money?

The building and operating of prisons by private, for-profit corporations promised great savings that have not been realized in practice. The often marginal savings (less than 5%) occur largely from construction and guard jobs that are non-union, and have lower wages and fewer benefits than similar jobs created by the state. Private prisons offer little savings, while the introduction of substantial venture capital and a profit motive can distort the goals of justice and public safety. The duty of the corporation is to its far flung shareholders rather than the needs of Michigan taxpayers. Corporate strategies for profit may conflict with the best interests of citizens by importing criminals to get high occupancy rates. One critical report suggested that "prison privatization creates incentives to grow the prison population, pushing up long term prison costs."

Privatization creates a powerful vested interest in having more prisons. It creates the equivalent of a military-industrial complex with a profit motive in selling mops and financial stake in making sure state policy does nothing about the tub overflowing.

Problems arise over accountability and control, so the small financial savings with private prisons carry other large costs. One prison in Ohio, for example, run by the Correctional Corporation of America was built for 1,500 inmates but had 1,700 because they imported inmates from Washington DC. The facility had 13 stabbings and two fatalities during its first year of operation, which prompted Ohio to pass a bill so state representatives could inspect the private prisons. But the Correctional Institution Inspection Committee and representatives of the state guards' union were refused admittance for an inspection. "Here we were holding copy of the Ohio code and they were talking about their corporate policy was more important than the law," said State Representative Mallory (a member of the Committee).

Why are prisons ineffective in reducing crime?

Many people who violate the law deserve to be put in prison because of the harm they have done to others, and during that period they will not be committing crimes against free citizens. But the crime prevention benefits of incarceration are oversold because they are based on unreasonably high averages of the number of crimes an 'average' criminal commits; the economic benefits of incarceration are likewise oversold based on inflated estimates of the cost of an 'average' crime. Indeed, since the early 1970s, both the U.S. and Michigan have embarked on an imprisonment binge: Michigan went from incarcerating 100 people for every 100,000 citizens to incarcerating 454/100,000 (these do not

include the growth in local jail populations that house criminals sentenced to less than one year).

During most of this time period, crime rates increased or remained stable. Crime has decreased over the last several years, but for reasons only marginally related to decades of prison construction that cost billions of dollars. Most criminologists attribute declines in crime to a variety of factors, including the shift to more community-oriented policing, the declining number of people in the 'crime prone' age bracket and changes in crack cocaine markets. Other suggestions include simple fluctuations in the crime rate, with a downturn as a natural consequence following the recent all-time high. Also, increased employment as a result of economic growth results in more wealth going to communities and less people unemployed.

It would be hard to *quadruple* the incarceration rate without it having some effect on crime, but the Texas Comptroller discovered what many criminologists already know: the state criminal justice system cannot solve the crime problem. He writes that "the only point on which virtually all students of Texas crime agree is that the ultimate answer to the state's rising crime must come from outside the sphere of criminal justice. Economic hardship, the growing 'underclass,' drug addiction, the decline in moral and educational standards, psychological problems and other root causes will never be cured by punitive measures."

More prisons will not reduce crime because a shortage of prison cells is simply not a cause of crime in Michigan. As FBI Director Freeh noted: "The crime and disorder which flow from hopeless poverty, unloved children and drug abuse can't be solved merely by bottomless prisons, mandatory sentencing minimums or more police."

Any criminal justice action is a response to a crime that has already happened. A quick, tough response – like mopping harder – will make a little difference. It will only be a little difference because criminals have an amazing capacity to deny that what they were doing was a crime and to believe they will not get caught. People also commit crimes in intense emotional states, while drunk and/or on drugs and thus simply not thinking ahead to the consequences. Minority youth in some inner cities believe they will be shot and killed before long, so the prospect of a longer prison term does not mean much. In contrast, FBI futurist Bill Tefoia has noted that Project Head Start is the single best crime fighting weapon in the American arsenal. Yet Michigan is cutting money for the most promising programs to fund some of the least effective; it is deciding to ignore the tub overflowing and invest more resources into mops.

Don't we need prisons for increasing numbers of violent criminals?

Violent crime in both Michigan and the US has been declining slightly for the past few years, but for reasons only slightly related to prisons (as discussed in the

previous section). Public perception of violent crime is frequently different from official statistics because of crime coverage on television. Most crimes reported to the police are property and drug offenses, with violent offenses making up a small percentage. While violent crime can be traumatic for the victim, "of the victims of all crime classified as 'violent' nationally in 1991, slightly over 1% required a hospital stay of one day or more". Only 8% of violent crime victims went to a hospital emergency room. The picture of crime on television is the exact opposite of reality: television overemphasizes violent crime, especially homicide – and the more freakish the violence, the more coverage it will receive.

Politicians like to talk about violent crime because it sounds good and there is no one to speak up in opposition. Frequently, the actual policy has little to do with violent crime and citizens are the victims of a 'bait and switch' scam. In sales, this ploy refers to a situation where

customers are 'baited' into a store by an advertisement for an item at an extremely low price. Once in the store, the salesperson 'switches' the customer to a higher-priced product that the scheme was designed to promote. In the criminal justice field, the 'bait' is citizen fear of violent crime. The 'switch' occurs when public officials fight crime by building more prisons *but then fill the new cells with nonviolent offenders*. This scheme profits those who wish to appear 'tough' on crime but in reality are failing to make America safe. One consequence of this policy is that the criminal justice spends tens of billions of dollars on prisons and then underfunds effective drug treatment, educational programs, and violence prevention programs by asserting that there is not enough money. (emphasis original)

The construction proposal in Michigan is classic bait and switch.

Although prison construction is supported by claims it is necessary for the increasingly violent and assaultive criminals, the vast majority of the cells are minimum security. Is Engler really going to imprison violent criminals in minimum security cells? If not, he should state what types of criminals will be housed in these new prisons and taxpayers can decide if it is worth the social and financial costs.

It is good to keep in mind that when politicians discuss 'repeat violent' offenders, they typically mean 'violent or repeat offenders'. Even this latter phrase is problematic because it mixes assaultive criminals with those who may have stolen bicycles on several occasions. Policies developed for the violent criminals may not be appropriate for the repeat (minor) offenders; many taxpayers who support spending to imprison violent offenders may feel differently about an almost \$200 million expenditure on petty criminals, especially if it cuts into spending on violence reduction programs.

Don't prisons provide good jobs?

Many communities want a prison because of economic development. With globalization, technology and downsizing, industrial and manufacturing jobs have disappeared. Prisons are an initial source of construction jobs, then the ongoing operating costs translate into payroll and services purchased from local businesses. **For an individual city or small region, a prison may represent needed economic development. But when many areas all pursue this strategy, money is taken away from education and other social programs. Sustainable economic prosperity for the state cannot come from investing in mops, but by dealing with the root causes of the overflow.** "If you intervene early" in the lives of at risk youth, says Blumstein of Carnegie-Mellon University, "you not only save the costs of incarceration, you also save the costs of crime and gain the benefits of an individual who is a taxpaying contributor to the economy."

If the state is going to be spending vast sums of money on construction projects, it should be for schools and community centers. Money spent training citizens to be jailers could be better spent training them to be teachers, mentors, and counselors. Rather than running a collection of geriatric prisons with wheelchair accessible cells, the state would do better to invest in at risk youth.

But what really works in preventing crime?

Crime prevention does work, but it is easier not to take a chance and call for politically popular that do not work. Programs can work when the money goes to locations that are in need rather than those represented by powerful politicians. More specifically, crime has many causes and it is important to match target groups with the right program. A full discussion of how best to deliver what interventions and what services is beyond this paper. Interested readers should consult Donziger's *The Real War on Crime*, which contains a description (including contact addresses) of many programs. Also, Currie's book, *Crime and Punishment in America* has an extensive and thoughtful discussion. He identifies four priorities that are a good start: preventing child abuse and neglect, enhancing children's intellectual and social development, providing support and guidance to vulnerable adolescents, and working intensively with juvenile offenders. While none of these suggestions is a cure-all, he notes that sometimes modest levels of assistance can make a great difference. Other suggestions would include helping those with drug and alcohol problems, and the delivery of more correctional interventions to those currently incarcerated, so they will be less likely to reoffend when they are released

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NOTES

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