

# Overview of Mass Incarceration

When we talk about mass incarceration, we talk about a system with many interlocking components. A law, policy, or institution that seems disconnected from mass incarceration may—upon closer examination—turn out to be deeply relevant for a person caught up in the system or to his or her family.

It's helpful to think of the system in three broad sections, divided chronologically.<sup>7</sup>

**BEFORE INCARCERATION** refers to everything that happens up until a person lands behind bars. This includes:

1. Policing practices, including:
  - Decisions about which neighborhoods are patrolled heavily and which lightly;
  - Formal policies such as New York City's "Stop and Frisk" (before it was overturned) and the War on Drugs;
  - Informal policies, like how police

decide whether to arrest a teenager for possessing a small amount of marijuana or just to give a warning.

2. Judicial proceedings including:
  - When a district attorney chooses to prosecute and what kind of plea bargains and bail or pre-trial holding options might be offered;
  - Funding for public defenders or other legal assistance for indigent defendants;

- Whether youngsters are tried in juvenile or adult court;
- A judge's decision to impose a certain sentence.

3. Laws that limit a judge's discretion or require long incarcerations including:
  - Mandatory minimum sentences;
  - Drug laws;
  - Three strikes laws.

**DURING INCARCERATION** encompasses a person's experience from the moment s/he arrives in jail or prison to the moment s/he leaves. This includes:

- The use of solitary confinement;
- The availability of educational,

substance abuse treatment, and other rehabilitative programs;

- The treatment of juveniles;
- Provisions for how family members, especially children, can keep up relationships with their incarcerated loved ones;
- Preparation for returning to society.

Prison conditions affect not only those incarcerated, but also correction officers and other support staff who earn a living from prisons. Unsafe conditions put everyone at both physical and psychological risk.

**AFTER INCARCERATION**—or, in many cases, after avoiding incarceration through accepting a plea bargain—returning citizens face a host of challenges. These include:

- The denial of the right to vote in many states;
- The denial of government benefits such as food stamps and affordable housing;
- Prohibitions against living in public

housing. This may mean not being allowed to move back in with parents or other family members;

- Losing access to the medical care that the person was receiving in prison.<sup>8</sup> This can have devastating consequences for people struggling with drug addictions, mental illness, or any number of chronic health issues;
- Lack of access to jobs and other opportunities, especially since

many job applications ask about past felony convictions. Many formerly incarcerated people find themselves landing right back in the circumstances that first led to incarceration;

- Strict parole rules that can lead to the re-incarceration of a person solely for failing to make an appointment or hew to other conditions of parole.

## SAMPLE PARTNER ORGANIZATIONS

Several of the major civil liberties organizations have significant national and statewide campaigns related to all aspects of mass incarceration:

- Advancement Project: <http://www.advancementproject.org/pages/mission#>
- American Civil Liberties Union (ACLU): <https://www.aclu.org/feature/smart-justice-fair-justice>

<sup>7</sup> Researcher and advocate Marie Gottschalk concludes her book on mass incarceration, *Caught*, with four major policy recommendations (p.259 -260). The first three line up nicely with this chronological division. She calls for us to reform our sentencing system, sending fewer people to prison and for shorter sentences (BEFORE); to improve prison conditions so they don't violate human rights (DURING); and to end "civil death" for people with criminal records (AFTER). Her fourth major recommendation is to end the criminalization of immigration enforcement.

<sup>8</sup> Under Obamacare, states that accepted the Medicaid expansion now also offer coverage to returning citizens, which researchers say may have huge impacts on long-term health and employment rates. See: <http://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2013/04/05/exfelons-are-about-to-get-health-coverage>