

Public Perceptions of Incarceration and Rehabilitation: The Business of Private Prisons within  
Societal Values of America

A Senior Project

presented to

The Faculty of the Journalism Department

California Polytechnic State University, San Luis Obispo

In Partial Fulfillment

of the Requirements for the Degree

Bachelor of Science in Journalism

By

Maile McPherson

2020

©Maile McPherson 2020

## TABLE OF CONTENTS

<b>Chapter 1.....</b>	<b>7</b>
Introduction .....	7
Statement of the Problem .....	7
Background of the Problem.....	7
Purpose of the Study.....	8
Setting for the Study .....	8
Research Questions .....	9
Definition of Terms .....	10
Organization of Study.....	10
<b>Chapter 2.....</b>	<b>11</b>
Literature Review .....	11
Public and Private Incarceration and the Rise of Privatization .....	11
Public Attitudes Toward Mass Incarceration .....	12
Incarceration Rates in History .....	14
America as a Leader in Incarceration .....	16

Private Prisons and the Road to Mass Incarceration .....	17
Average Costs to Incarcerate .....	19
Rehabilitation Programs .....	20
Solutions to Incarceration .....	21
<b>Chapter 3 .....</b>	<b>22</b>
Methodology.....	23
Data Sources.....	23
Participants .....	23
Interview Design. ....	24
Data Collection.....	24
Data Presentation.....	25
Delimitations .....	25
<b>Chapter 4.....</b>	<b>26</b>
Data Analysis.....	26
Description of Participating Experts in Related Fields .....	26
Criminologists .....	27

Mass Incarceration Questionnaire.....	27
Criminology Data and Insights. ....	39
<b>Chapter 5.....</b>	<b>52</b>
Discussion and Recommendations .....	52
Summary.....	52
Discussion.....	53
Unknow the known.....	58
Mass Incarceration as a Complex .....	59
Study Conclusion .....	59
<b>References .....</b>	<b>61</b>
<b>Appendix A.....</b>	<b>64</b>
Interview Transcripts: Mary Green .....	64
<b>Appendix B.....</b>	<b>70</b>
Interview Transcripts: Todd Clear.....	70
<b>Appendix C.....</b>	<b>70</b>
Interview Transcripts: Khalil A. Cumberbatch .....	77

LIST OF TABLES

Table 1. *Mass Incarceration Complex and the Connection to Public Health* ..... 39

Table 2. *Public Attitudes and Perceptions Toward Incarceration* ..... 41

Table 3. *Private Prisons in Relevance to the Mass Incarceration Problem*..... 43

Table 4. *Current Versus Previous Incarceration Rates*..... 45

Table 5. *America as a Leader* ..... 47

Table 6. *Solutions to Incarceration* ..... 49

## **Chapter 1**

### *Introduction*

#### **Statement of the Problem**

This study focuses on the current crisis that continues to span the United States: mass incarceration. The literature also works to address the public's everlasting perceptions and attitudes toward imprisonment. In recent decades, mass incarceration has spiked, and numbers have been on the recent incline. The word "Mass Incarceration" by Google search defined: "America's culture of mass incarceration is unnecessarily forcing hundreds of thousands of people to crowd together, often with substandard sanitation and medical care. They're prisoners held for low-level offenses like shoplifting, drug possession and even driving with a suspended license."

According to the Sentencing Project, The United States has increased incarceration by 500% over the last forty years, with no change in crime rates. By describing the problem at hand, we are able to delve deeper into the root causes, the history, and most importantly, the social solutions that we as a country need to employ.

#### **Background of the Problem**

Mass incarceration has become a pandemic in the United States in which the country has 2.3 million people confined nationwide (as of 2020). The perception of the public towards inmates has been inherently negative and it's important to address some of these misconceptions. In addition, the literature discusses the country's history of incarceration as well as the nation's relationship with mass incarceration today. Furthermore, a section of this literature is dedicated to discussing the meaning behind private prisons and the impact the privatization industry has on the United States' economy along with public health.

In the face of mass incarceration and the United States' being the leader in numbers, it's imperative to conduct research on the current systematic problem by collecting data and expert opinions on the topic of mass incarceration. The literature review also features insight from criminologists and experts in this field.

### **Purpose of the Study**

The purpose of this study is to present information based on the research. There has been a lot of information surrounding imprisoning criminals, but little information surrounding the mass industrial complex and how this issue came to surface.

As the leader in incarceration, the United States hasn't always been so "tough on crime", like we see today. However, it's critical to see how we as society have progressed into a nation that would rather imprison someone than send them to rehabilitation or a social service in the face of a drug conviction. If we are better able to understand our country's relationship and history with mass incarceration, then we will be better equipped to moving beyond this status. And as individuals, we aren't always getting the full picture, which brings us away from the origin of this problem. By investigating the root of this problem, we can take measures to progress in our current thought-system.

### **Setting for the Study**

This study will be conducted as part of the data collection for a Senior Project at California Polytechnic State University located in San Luis Obispo, California. Interviews will be conducted with experts in the following areas: sociology professors, rehabilitation specialists and industry specialists. The experts will each be asked the same set of questions and probes. The questionnaire is simply designed to answer the following research questions and fill the gaps

in previous literature on the topics of mass incarceration and reasoning to the existence of this issue.

### **Research Questions**

The study used the following questions that were asked to the above subjects on the basis of advising the large gaps in literature on the basis of mass incarceration education. Each question was created specifically after assessing the information that was already open to the public. The questions that were asked were addressed in order to narrow that literature gap.

1. How do public and private mass incarceration differ?
2. What are the public's attitudes and perceptions toward mass incarceration?
3. How do current rates in incarceration rate to previous rates in incarceration in the US?
4. How has America become such a leader in mass incarceration worldwide?
5. How do private prisons contribute to the mass incarceration problem?
6. What are the average costs to detain a person for a year?
7. What rehabilitation programs are available?
8. What solutions to mass incarceration are there?

### **Definition of Terms**

The following terms are explained in order to further clarify many of the terms that are addressed throughout this study and are also clarified to provide context to the remainder of the study.

Mass Incarceration: refers to the unique way the U.S. has locked up a vast population in federal and state prisons, as well as local jails (Nott, 2016).

Cultivation Theory: proposes that repeated exposure to media over time influences perceptions of social reality and is most frequently applied to television viewing and suggests that frequent



television viewers' perceptions of the real world become reflective of the most common messages advanced by fictional television (Cynthia Vinney, 2019).

Privatization: occurs when a government-owned business, operation, or property becomes owned by a private, non-government party (Hargrave, 2019).

Public prison: Public prisons, or state-operated institutions, are entirely owned and run by the government and are mainly funded through tax dollars ((Blakely & Bumphus, 2004).

Rehabilitation: refers to the restoration of something to its proper condition (Heseltine & Sarre, 2011).

Reform: to put or change into an improved form or condition (Merriam-Webster Dictionary).

Authoritarian Theory: this theory is justified by saying that state is greater than individual rights where state controls the media, especially in times of emergencies like wars and conflicts (Bajracharya, 2018).

## **Organization of Study**

Chapter 1 included the background of the problem, the purpose of the study, and a definition of terms. Chapter 2 works to identify current imprisonment trends and perceptions towards mass incarceration. Chapter 3 will present the methodology of the study. Chapter 4 will present the findings based on the original research questions. The data will then be analyzed compared to the current literature on the topic. Chapter 5 will include a summary of the study and recommendations for society to implement in order to manage one of the biggest issues facing our country.

## Chapter 2

### *Literature Review*

The review of literature focuses on the existing literature on previous information and factual evidence regarding public and private incarceration, public attitudes, trends and solutions regarding the mass incarceration complex.

#### **Public and Private Incarceration and the Rise of Privatization**

One of the biggest issues perplexing our nation today is the war on incarceration. Currently, our nation incarcerates more than 2.2 million adults – in which 665 people of every 100,000 people are behind bars. (Kahn, 2019). By definition, mass incarceration refers to the unique way the U.S. has locked up a vast population in federal and state prisons, as well as local jails. (Nott, 2016).

Public and private prisons are the two main methods of incarceration. Because of the extreme numbers of persons incarcerated, mass incarceration has led to overcrowding in jail facilities, plaguing the nation and becoming a prevalent issue. “Overcrowding, which may increase inmate violence and the incidence of infectious and stress-related diseases, thereby contributing to unconstitutional conditions, is a serious problem in prisons and jails... Less expensive prisons allow for more capacity because the same prison budget can build more prisons, and increased capacity can relieve overcrowding.” (Alexander Volokh, 2002).

Now, the difference between private facilities versus public prisons? According to CEO of Futerra Lucy Shea, “Public prisons, or state-operated institutions, are entirely owned and run by the government and are mainly funded through tax dollars. Federal prisons outsource a lot of their spending to other companies. Privately owned prisons are run by a business or company. They are bought by private firms from the government (either local, federal or state) and become

accountable to maintain them.” In simpler terms, a private prison is a facility that incarcerates offenders for profit (and are motivated by financial profitability) (Blakely & Bumphus, 2004).

According to Leanne White, private prisons house around 8% of inmates while 92% of incarcerated individuals do their time in public prisons. Public prisons used to be the solitary method of incarceration, but with time rose the system of privatization. The rise of private prisons has a large part to do with the overpopulation of people committing “crimes”. During the War on Drugs era, private prisons essentially became used for “overflow” individuals and was used as a profiteer for the corporations involved. “Private prison companies have deeply insinuated themselves into the political process. The factors that have contributed to their rising influence during the last two decades include the ascendancy of conservative politics, which favors privatization of many public responsibilities, including criminal justice... There is a dependency of elected officials on big-money contributors for their ongoing political careers. And there is the opportunity for profits to be made off of the criminal justice industry” (Sarabi & Bender, 2000).

White also adds to the discussion about private prisons, “Because private prisons operate under their own set of standards, they have the ability to accept or decline any type of offender. They are known, however, to not accept offenders who are costly to house. Medical conditions, mental health issues, and dietary requirements all increase the cost of an offender.”

### **Public Attitudes Toward Mass Incarceration**

Throughout history, incarceration has been deemed by the public as one of the biggest issues facing our nation. According to German Lopez at Vox, many Americans are aware to some extent of the underlying issue of mass incarceration. To gather more information on public perceptions toward mass incarceration, Lopez conducted a study. He found that many Americans

claimed that they are willing to cut back on some forms of incarceration, but only in the face of drug and other nonviolent offenses.

In addition to this, Lopez found that America's attitude toward incarceration revealed what the country does not understand about the prison system. He adds, "Americans are very unwilling to let violent offenders out of prison early. Only 29 percent said they support reducing prison time for 'people who committed a violent crime and have a low risk of committing another crime' while 27 percent said they support reducing prison time for violent offenders who 'have a high risk of committing another crime.' Majorities rejected the idea of reducing sentences for both types of violent offenders."

Public attitudes toward punishment, rehabilitation and reform questions were addressed in Darren Wheelock and Michael M. O'Hear's publication *Public Attitudes Toward Punishment, Rehabilitation and Reform: Lessons from the Marquette Law School Poll*. The respondents were asked how well the criminal justice system was performing in various areas. The respondents were asked to characterize the competing priorities based on their perception of them. A couple of the key responses included making Wisconsin a safer place to live – in which 91.6% said it was either very important or absolutely essential. Eighty-eight-point one percent prioritized ensuring that people who commit crimes receive the punishment they deserve. Only 51.2% of respondents placed emphasis on reducing the amount of money we spend on imprisoning criminals. The results found that although many voters express support for rehabilitation, they express no less support for "giving criminals the punishment they deserve."

Peter K. Enns of Cornell University adds that state and federal laws have a major influence on incarceration rates by defining what is a crime and imposing sentencing requirements. Thus, politicians' incentives suggest an important avenue for public opinion to

influence criminal justice outcomes. Politicians just need the time, the space and the support of the majority to make influences that make an impact.

Professor of Law Adam M. Gershowitz conveys that prosecutors should have a duty to be more cognizant about the funding of the rest of the criminal justice system and assesses whether access to such information would affect prosecutors' charging, plea-bargaining and dismissal decisions. He claims that prosecutors most likely do not give much consideration to the overcrowding of America's jails and prisons when making their plea bargain offers. Gershowitz argues that if prosecutors were regularly advised of such overcrowding, they might offer marginally lower sentences across the board.

An example that Gershowitz used was a prosecutor determining a drug offender sentence – if the prosecutor had access to the informative statistics and the social psychology behind mass imprisonment – only then would they most likely be offered a lower sentence. And with that, legislators would be instructing the prosecutors on the scale of mass imprisonment whereas there would be no danger of legislators appearing “soft on crime.” He finalizes by stating, “If prosecutors convict as many people as the law (and their budget permits), they may well convict more than defendants than the prison budget can handle” (Gershowitz, 2008).

### **Incarceration Rates in History**

Within the last two decades, the United States prison population has grown enormously, in which mass incarceration has been used as a “solution” to all nonviolent and violent crimes. The rates of incarceration in America have risen throughout history, but the ‘tough on crime’ era is where numbers dramatically increased and nonviolent offenses led straight to incarceration.

With the tough on crime approach, came the incarceration of many. “The ‘tough on crime’ punishment philosophy of the 1980’s and 90’s combined with the heinous “War on

Drugs,” led to legislation under Republican and Democratic administration that used a jail cell as a first, rather than last, resort for people who broke the law” (Nott 2016). He continued that with the uncompromising posture, elected officials made prison reform an essential part of their campaign, enacting policies that led to more people being locked away for increasingly smaller offenses and combined that with further policies that locked them up for longer. The “tough on crime” policies include stiff criminal codes, long prison sentences, laws that facilitate police search and seizure, laws that make it more difficult to challenge a wrongful conviction, and stringent parole boards (Stone-Mediatore, 2003).

In addition to this, Professor of Criminology Jody Sundt says the prison population has rose due to an array of policies implemented including that of “truth in sentencing” laws, restrictions on the use of parole, mandatory minimum prison terms and more. With that, prison sentences have become longer and stricter over time. In the Southern Illinois University Law Journal, statistics reveal that 78% of the public does not feel that the courts are dealing “harshly enough with criminals”. Seventy three percent are in favor of the death penalty for a person convicted of murder and Americans regularly report that crime is the number one issue facing our nation.

The mass overcrowding of prison populations within America has been deemed by financial incentives and dubious motives. The Corrections Accountability Project of the Urban Justice Center explains the prison industry in depth in regard to the prison economy. “The prison economy rests on an opaque, often unaccountable economic infrastructure, with its own private-equity financiers, holding companies, and multinational executives. Like any industry-growth model, prisons have fundamental internal incentives to achieve economies of scale by expanding their operations and accruing more state funds” (Chen, 2018).

This is where the authoritarian theory applies, in which the authorities control the media to protect citizens from the truth. America tries to normalize mass incarceration as much as possible, protecting the public from valid pieces of information, therefore suppressing some vital pieces of the puzzle. Often, news channels are quick to depict these individuals as “criminals” when there’s more to be told in the face of criminalization.

### **America as a Leader in Incarceration**

“Arguably the most important question facing American society today is why, in the land of the free, one in thirty-one people is under some form of penal control,” says Elizabeth Hinton, American Historian and Professor in History. As the leader in incarceration, the United States incarcerates over 2.2 million people – at an increase of over 500% over the last forty years, with no change in crime rates (The Sentencing Project, 2016).

Author and professor Schlosser writes, “The United States now imprisons more people than any other country in the world perhaps half a million more than Communist China.” She continues, California has the biggest prison system in the Western industrialized world, a significant percent bigger than the Federal Bureau of Prisons. The state holds more inmates in its jails and prisons than Great Britain, Germany, Japan, Singapore, and the Netherlands combined.

And that raises the question, what led the United States to this extreme? In the year 2017, the U.S. sent 452,964 people to prison (as compared to 40,900 in the year 1980). Today, there are more people behind bars for a drug offense than the number of people who were in prison or jail for any crime in 1980. Additional statistics from The Sentencing Project show that prison is keeping people in jail for longer terms – which goes hand and hand with harsher sentencing laws, cutbacks in parole release and keeping people in prison for longer periods of time.

In regard to this, the three-strike policy is rather harsh and adamant in their position to re-imprison someone, even on the basis of petty theft. “In 2010, 32,932 individuals were imprisoned in California with their second strike. Another 8,764 were incarcerated with their third strike. Of the second strikers, 883 were in for petty theft... an additional 341 individuals faced a potential life sentence for stealing items valued at \$950 or less” (Enns, 2016).

Avery Gordon’s *Globalism and the prison industrial complex* states that with an increase in prisons, comes a decrease in other government programs that have been previously arranged to respond to social needs. Prisons themselves are also becoming a source of cheap labor that attracts corporate capitalism. “In fact, the dismantling of the welfare state and the growth of the prison industrial complex have taken place simultaneously and are intimately related to one another. In the process of implementing this prisonization of the US social landscape, private capital has become enmeshed in the punishment industry in a variety of ways, and precisely because of their profit potential, prisons are becoming increasingly central to the US economy... Imprisonment has become the response or first resort to far too many of the social problems that burden people ensconced in poverty.”

### **Private Prisons and the Road to the Mass Incarceration**

One of the most controversial issues in our nation comes down to mass incarceration – in the face of private incarceration. Private prisons have played an increased role in prison growth – in which for-profit corporations like Corrections Corporation of America (CCA), Cornell Companies Inc. and Wackenhut Corrections Corp. have sought to fill the demand of overcrowded prisons. Generally speaking, the private prison industry is achieved by less-skilled, lower-paid facility workers and a lower salary for inmate laborers.



In regard to all thing's privatization, Gotsch and Batsi claim that the privatization of prisons

has joined with lawmakers, corporations, and interest groups to advocate for privatization through the American Legislative Exchange Council (ALEC)... "Private prison companies have contributed millions to President Trump's campaign and associated super PACs. Private prison companies are seeking to expand their influence with state governments as well." They continue, "Between 2000 and 2016, the number of people incarcerated in private prison facilities increased 47 percent while the overall prison population increased 9 percent. The private prison population reached a peak of 137,220 in 2012; it then declined to 12,272 in 2015, before rising again in 2016 to 128,063" (Gotsch & Basti, 2018). Gotsch and Batsi also add that in February 2017, Attorney General Jeff Sessions claimed that he would continue to rely on private prison facilities, in which would aim to increase prison admissions and sentence length, therefore contributing to the expansion of private facility contracting.

With private prisons, also comes a significant cost decrease says Minneapolis researcher Douglas Clement. Journalists Blakely and Bumphus (2004) add that the private prison industry is fueled by injustice in treatment. In addition to this, research has shown that recidivism rates are extensively higher for those held in a private facility. "Academic research has found that incarcerating people in prisons operated by private companies, which have business models dependent on incarceration, increase the likelihood of those people recidivating." The article continues, "Private prison companies have long histories of neglecting prisoners' basic needs and failing to create an environment conducive to rehabilitation. To reduce normal business risks around fluctuating prison populations, private prison companies add occupancy guarantee clauses to many contracts..." (Friedmann & Kirby, 2016).

According to the Federal Probation journal, prison privatization has been rooted in history – and the privatization of prison was originally used for other ideals. Private prisons were originally born in European countries including Amsterdam and Hamburg. Originally, these prisons were built overseas to “Obtain public authority to confine troublesome people” in private facilities. “In 1979, private firms began contracting with the Immigration and Naturalization Service to detain illegal immigrants pending hearings or deportation. Prison privatization has been driven not only by the growing support among lawmakers and the public for private provision of traditional government services, but also by exploding prison populations resulting from stricter drug and immigration laws and changes in sentencing procedures” (Volkh, 2002). He continues “An Arizona study performed in 2000 by the state Department of Corrections compared three private prisons with fifteen public ones. The study found an average savings of 13.6% at the private prisons in 1998 (\$40.36 per inmate per day compared to \$46.72 at public prisons)”.

In monetary terms, private prisons are led by profit motives and essentially would be “Tempted to cut costs in two major ways: by providing for inmates’ needs at lower than satisfactory levels and by “hiring fewer staff members, paying lower wages and reducing staff training” (Dolovich, 2018). She also argues that private prison contracts are “incomplete contracts” by their very nature in that these requirements cannot be specified at a level of detail that could guarantee any cost-cutting practices.

### **Average Costs to Incarcerate**

Incarceration costs an average of more than \$31,000 per inmate, per year, nationwide, according to the Vera Institute of Justice. Whereas in some states, it can cost up to \$60,000 to incarcerate each person per year. According to Vera, the “average cost per inmate” is calculated

by taking the total state spending on prisons and dividing it by the average daily prison population. Furthermore, only 22 percent of prison spending nationally was spent on payments for prison healthcare, including payments to outside health care providers, pharmaceuticals and hospital care.

According to the Bureau of Justice Statistics, specifically, the United States spends more than \$80 billion each year to keep roughly 2.3 million people behind bars. On top of that, the Marshall Project asked families of inmates to document their spending, in which more than 200 people responded. “Many families said they shell out hundreds of dollars each month to feed and stay connected to someone behind bars, paying for health care, personal hygiene items and phone calls as well as emails. One source even said that one of the common misconceptions was that the state pays for everything. However, no one realizes that it's the friends and families of loved ones that pay” (Lewis & Lockwood, 2018).

### **Rehabilitation Programs**

By definition, rehabilitation refers to the “restoration of something to its proper condition” (Heseltine & Sarre, 2011).

Many of the people that are tied up in the criminal justice system are substance abusers and research shows that there are more effective models for corrections-based drug abuse offenses. “Imprisoning drug offenders may resonate with some who think prison is the only way to make their communities safer, at least while they are incarcerated. Yet, the overwhelming majority of drug prisoners will come back out eventually to rejoin society, many within just a few years or even months. The Maryland State Commission on Criminal Sentencing Policy reports that the average sentence for two thirds of drug offenders convicted in circuit courts is 20 months... Though the time behind bars spent is limited, the impact of a felony conviction may

last a lifetime, and even a short period of incarceration has been shown to affect people's earnings and ability to get a job, to be parents and become productive parts of their communities" (McVay & Schiraldi & Ziedenberg, 2004). In addition to this, research shows that the yearly cost of incarcerating a drug offender is \$20,000 while the cost of treatment in Maryland is \$4,000 annually.

### **Solutions to Incarceration**

The cultivation theory would apply here because for those who watch frequent television, mass incarceration is the answer that many of our politician's present. We don't always hear about the other alternative methods, and for many citizens, they are unaware of the cost value of incarceration. For many, reality is compressed in the face of incarceration.

In the study corresponding to the national attitudes toward incarceration, information was found that public perceptions toward incarceration could and would change if presented with solutions. Essentially, members of the public are willing to change their views if they are presented with a variety of sentencing options, alternatives to incarceration, additional information about offender characteristics and monetary constraints according to Jody Sundt at the Southern Illinois University Law Journal.

The National Research Council recommends the following measures be taken to improve our justice system. "By taking a practical approach to criminal justice reform, we can decrease crime, enhance public safety, and make more responsible use of our resources." In particular, the following measures need to be implemented: Eliminating mandatory minimum sentences and cutting back on excessively lengthy sentences, shifting resources to community-based prevention and treatment for substance abuse, investing in interventions that promote strong youth development and respond to delinquency, examining and addressing the policies that contribute

to racial inequality at every stage within the justice system and removing barriers that make it harder for individuals to turn their lives around” (The Sentencing Project 2020).

## Chapter 3

### *Methodology*

This chapter presents the methods used to collect data for the study including the data sources, collection and presentation of the data, and both the limitations and delimitations.

#### **Data Sources**

For this study, one expert in mass incarceration, one expert in rehabilitation and one expert in sociology and human behavior were interviewed based on a single questionnaire. The questionnaire was specifically developed to answer the original research questions regarding the mass incarceration complex and the common social constructions behind that. The experts selected for the interview all had one thing in common, they were incredibly knowledgeable about mass incarceration and the subject at hand. The criminologists selected for the interview was

#### **Participants**

Mary Green, an American Criminologist and Criminology Research Expert at the Higher Education Institution in the United States. Todd Clear, University Professor of Criminal Justice was also included in the interview, offering insight on criminal justice and criminal reform. Nationally recognized, formerly incarcerated advocate Khalil A. Cumberbatch was also a part of the study, offering insight into criminal justice and immigration policy change.

#### **Interview Design**

The following questions and probes were asked each of the experts and served as a vital source for the literature study:

1. How would you, as an expert in your field, describe the mass incarceration complex and how does it affect public health? Please give examples.

2. Do you believe that the public is aware of the complexity of mass incarceration?  
What are some common public perceptions toward mass incarceration?
3. In your opinion, has the privatization industry contributed or controlled the prison population? Why?
4. How has mass incarceration become such an issue in society today? From a historical standpoint, where are we at now in regard to prior decades? Please shed some insight into incarceration trends over time.
5. Why do you believe that the United States has allowed this issue to become so prevalent? Do you think our nation believes the only answer to the problem is criminalization?
6. How would you manage the prison population? Where can we go from here?

### **Data Collection**

The method of data collection for this study was three individual interviews with the three experts. The interviews were conducted during the Spring of 2020 and lasted approximately 45 minutes each. According to Simply Psychology, by definition, qualitative research is multi-method in focus, involving an interpretive, naturalistic approach to its subject matter. This means that qualitative researchers study things in their natural settings, attempting to make sense of, or interpret, phenomena in terms of the meanings people bring them. During the interviews, the original research questions were addressed to gain insight into the mass incarceration complex and the privatization industry.

### **Data Presentation**

The data collected during each interview was documented through recordings using a voice recorder as well as written verbatim notes during and after the interviews to document any

additional information that could potentially clarify the context of the responses. The written notes along with the voice recordings ensure that the data is presented in a clear and concise manner that allows audience members and readers to really tune into the complexity of the issue.

### **Limitations**

This study was completed as a senior project at California Polytechnic State University, San Luis Obispo, to better understand the history of mass incarceration and the complexity of the issue. The timeframe for this study was limited to Spring Quarter 2020. This forced the limitation of the number of subjects and the amount of data that could be collected within the timeframe.

### **Delimitations**

There are limitations to this study based on the type of data collected along with the interview process. The study was conducted to gain insight into the mass incarceration complex along with the privatization industry. Because of this, some limitations do exist because some of these answers are opinion-based and therefore no generalizations on these topics can be made. Also, during the time of a national pandemic, many industries were shut down and in person interviews were not accessible. All interviews were virtual and therefore there was no in-person interaction.



## Chapter 4

### *Data Analysis*

Chapter 4 will provide information and insight into the criminal justice industry and summarize the respondents' answers to the questionnaire. Since the data was recorded via phone call and the interviews lasted approximately 45 minutes, the conversation and recorded interviews will be in the form of direct quotations and paraphrased responses. The answers will then be assessed and compared to the original research questions and the existing literature on criminal justice reform and criminal justice advocacy, as reviewed in Chapter 2.

#### **Descriptions of Participating Experts in Related Fields**

##### **Criminology**

Mary Green, Todd Clear and Khalil A. Cumberbatch are all criminologist experts that all have interests and deep connections to the world of criminology in different aspects. Mary Green is an American Criminologist and Criminology Research Expert at the Higher Education Institution in the United States. Another expert in this study was Todd Clear, American criminologist and distinguished professor in the school of justice. He previously served as the Dean of the School of Criminal Justice and specializes in mass incarceration and has been recognized as a leader in criminal justice reform. Khalil A. Cumberbatch was also an expert source speaking upon criminal justice and its alignment with poverty and race. Cumberbatch is a lecturer of Columbia University and also serves as a Chief Strategist at New Yorker United for Justice. As a formerly incarcerated New Yorker, Cumberbatch offers valuable and tangible insight, advice and suggestions on where we can go from here.

## Mass Incarceration Questionnaire:

Each expert was asked to respond to the following questions and probes regarding criminology, the mass incarceration complex and the systematic privatization industry:

1. How would you, as an expert in your field, describe the mass incarceration complex and how does it affect public health? Please give examples.

Question #1 was asked to gain insight into the development of the mass incarceration industry and the foundation of the industry as a whole. The question was designed to give further depth and clarification on the connection between mass incarceration and public health.

- Mary Green: “We know that certain individuals because they have not been able to have appropriate behavioral and physical health services in the community, they enter correctional settings and really have some deficits health wise. And we also know that for some incarcerated individuals we are able to provide them with services and the treatment that they were unable to have in a community. So, it's important to recognize that our correctional systems often lack the services so serve the population. Now what happens when individuals leave, and here I'm talking about what studies have been able to tell us about this. We know that some individuals may be able to leave a prison or correctional setting better off, physically because they've been able to attend to these health needs, these gaps that exist, but some individuals may actually come out worse. So, right, there really isn't a kind of uniformity in these kinds of affects” (Appendix A).

- Todd Clear: “So the number people in prison is entirely determined by two things, how many people are sat there and how long they stay. So, the way you get a mass incarceration, doesn’t have to do anything with crime, it has to do with how you respond to crime. It has to do with how often you send people to prison and how long you make them stay there”  
(Appendix B).
- Khalil A. Cumberbatch: “So, we have to understand that. In terms of how it impacts public health in others, you know it’s not a one-way street when we talk about mass incarceration’s connections to public health. It’s undoubtedly a two-way street meaning that there are health conditions, physical health, mental, community health conditions that undoubtedly are existent before a person gets involved in the criminal justice system”  
(Appendix C).

2. Do you believe that the public is aware of the complexity of mass incarceration? What are some common public perceptions toward mass incarceration?

Question #2 was designed to stimulate a conversation in regard to the complexity of mass incarceration. The question was especially important in finding out why public perceptions are formed in relation to their origin and/or location. It was also addressed in order to give some cue into why people have these perceptions and what prompts them to think and feel this way.

- Mary Green: “So some of the common perceptions, I think, I think are probably rooted in what we see on TV, right, and now I think so many shows try to depict what the incarceration life is like and again I think

those attempts to capture certain moments um of the experience of being confined. But I think when you begin to unpack what being removed from your community, being removed from your family is like and then having to navigate a system in light of what it affords you to do -- whatever privileges right you are allowed, I really do think it can be very varied” (Appendix A).

- Todd Clear: “So, let me say that the awareness of this is highly differentiated depending on the neighborhoods people come from. People who come from communities of color, particularly impoverished communities of color, know this stuff interestingly enough. People who come from privileged communities, white middle class, suburban communities tend to have an outlook, often don’t know about the complexities or believe that it’s not true” (Appendix B).
- Khalil A. Cumberbatch: “Yeah, so when we say the public, we have to kind of define that more distinctly. You know when you talk about communities that are impacted, you talk about largely low-income communities of color. I think that they understand how the criminal justice system preys on people, I think they understand that very clearly, because they see it. I mean I don’t know how connected to social media you are, but right now you can’t look at a timeline without seeing videos of extreme levels of police brutality being bestowed on people of color all in the name of police enforcing social distancing laws. So, I think people

understand that in black and brown communities, police act different, period” (Appendix C).

3. In your opinion, has the privatization industry contributed or controlled the prison population? Why?

Question #3 was asked in order to get some more background information on the privatization industry and the relation it has to the prison systems. The question was also asked to get a better understanding of why they were implemented in the first place along with the deeper question of whether they have a positive or negative effect on the mass incarceration rates.

- Mary Green: “Again, it is really, really important for people to know that there is no evidence on the impact that private prisons have on reducing crime, on maybe umm leading to better outcomes for justice involved people, we just don’t know. And it’s really frustrating, right because your respective about how you feel about the privatization of the sector within the criminal justice system, it’s really important to have it be driven by evidence.” (Appendix A).
- Todd Clear: “So, about 15% of the prison population is in private for-profit prison. On the other hand, many of the contracts that there are that are used to pay for these facilities, have stipulations and require minimum number of people to be placed in them by the state. And so, what you have with the private prison industry is a lobby group that has its own financial interest on maintaining a large prison population” (Appendix B).

- Khalil A. Cumberbatch: “The criminal justice system at large is undoubtedly, dis-morally – I mean, you don’t, I know, I don’t want to be in the business where I traded in the commodity of human beings in the business, like I wouldn’t want that. You have to kind of be a vindictive, malicious, evil person at your core to really even be able to write that off. So, like privatization and private prisons in particular, are undoubtedly bad. The thing with private prisons is that it really represents a slow percentage of overall, kind of bloated criminal justice system. Last year, last time, I checked that number floated around three to seven percent, meaning that most of the country, most places are owned and operated largely by public servants, people who are employed by a local jurisdiction, by the state, to maintain and to employ prisons and jails” (Appendix C).

4. How has mass incarceration become such an issue in society today? From a historical standpoint, where are we at now in regard to prior decades? Please shed some insight into incarceration trends over time.

Question #4 was asked to get a bigger picture of mass incarceration and how rates have changed over time. The question was probed to really dig deep into similarities and differences in incarceration rates over time in regard to where we are at now.

- Mary Green: “It’s I think again as a criminologist, I am so happy to have issues around our justice system at the forefront of national policy, right -- I, I’m so excited about that, I really do think that crime and the justice

system really is I mean, it touches so many of us, either because we've been victimized, because we know someone who's been victimized or either because we know someone who has been engaged in crime and who has entered the criminal justice system. So, I really think it's important for people to become aware of how this system has so much to improve and how important research is important in advancing policies that are going to lead to reductions in crime and to a more just system" (Appendix A).

- Todd Clear: "Because we artificially inflated the number of people in prison because we sent more people there and had them stay longer, my original point. That's why that sounds like an obvious point, but it is yes if you ever forget it you will never figure this out" (Appendix B).
- Khalil A. Cumberbatch: "Well you know mass incarceration is really quite honestly a new phenomenon, you know this country has never had a mass incarceration issue. You know, this country has never had 2.3 million people in a jail or prison cell at any given time. Many people in retrospect, look back and have tried to identify a particular point in where this country exploded into what we now call the prison industrial complex and undoubtedly, I think everyone agrees that it all ties back to the omnibus bill that was passed under the Clinton administration" (Appendix C).

5. Why do you believe that the United States has allowed this issue to become so prevalent?

Do you think our nation believes the only answer to the problem is criminalization?

Question #5 was asked to further analyze the prison incarceration numbers overtime, and to

relate it to where we are now in terms of numbers. It works to give readers a better idea

of how we are handling the situation at hand and why our numbers have grown so substantially over the years.

- Mary Green: “Violent offenders make up the majority of individuals we have confined. Reducing our prison population by releasing low-level drug offenders is not going to lead to great prison reductions, so we really have to begin to look at those decisions made by prosecuting attorneys that are at the forefront of the system. Again, you think of mass incarceration the focus on the back end, but you really have to think of that front-end and why our prosecuting attorneys are charging these individuals with these crimes, do they warrant incarceration, charging and do they warrant confinement. That should be, I think, the critical point, if you’re looking at criminal justice reform” (Appendix A).
- Todd Clear: “It was a really and there's just tons of scholarship on this out there, and anyone who wants to try to say that growth of the prison system in the United States in the 70s, 80s and 90s was some kind of intentional policy to avoid racist content is simply lying to your teeth. Now, it was intentional policy, we intentionally grew the prison system, we knew we were doing it at the time, we also knew it was affecting people of color more than others” (Appendix B).
- Khalil A. Cumberbatch: “Yeah, I think that this country’s view on anything different than what they are willing to accept, there is a level of suspicion that is put on them. And it’s not only about crime, if you ask people in this country, what do you think about universal healthcare? Oh,



and by the way, it's not a foreign idea, there are other countries, industrialized countries that have done it and have done it for decades. And people are still raising eyebrows at that. Wait, a minute is that like socialism? Is that like, I don't understand the notion of how everyone would have access to healthcare, like I just don't get that. Right, so we've been trained to always raise suspicion to things that aren't quote on quote normal to us. So, when you add on top of that, the fact that someone may have committed a crime, then it becomes even easier to say that that person's act was criminal, and they should be punished to the furthest extent" (Appendix C).

6. How would you manage the prison population? Where can we go from here?

Question #6 was asked to create a conversation regarding our current mass incarceration complex and to generate a discussion on where we can go from here. The question was addressed by the three experts in the same format, all generating different responses and various potential solutions.

- Mary Green: "Going forward, make those investments in young people, help donate to those organizations, those agencies that serve those kids" (Appendix A).
- Todd Clear: "So, I'm going to get really radical and I think first of all, the first thing is to set a goal for the incarceration rate and cutting it by two-thirds is going to be very tough to do. Second thing, that we all know, locking people up into their fifties, certainly into their sixties, has no public health benefit" (Appendix B).

- Khalil A. Cumberbatch: “Yeah, I mean, from a very practical level, we do need to support federal legislation that helps to incentivize the reversing of mass incarceration. That’s just on a very practical level, that’s just the quantifiable thing that needs to happen, is we need to pass that bill, for sure. And if we did that in 10 years, then we wouldn’t have mass incarceration. Instead, states would be fighting over the tough title of having the least incarcerated people, like they’d be stumbling over people to get to that number, of the least incarcerated people. Because where the money goes, that’s where the priority goes. In terms of a much broader conversation, we really need to grapple with many of the deeply rooted issues that this country has with race and that this country has with gender, with the way that a person displays their sexuality. Like, we have to get to a point where we in this country, quite honestly say ‘Live and let live’” (Appendix C).

### **Mass Incarceration Research Questions**

For this project, the following eight research questions were created for the study to determine key trends in incarceration in America simply by studying the United States’ relation with the prison industrial complex. Below are various criminologists, rehabilitation specialists, formerly incarcerated individuals and expert industry professionals’ opinions on the topic of incarceration rates and where we’re headed in the near future.

#### **Research Question #1: How do public and private mass incarceration differ?**

- According to CEO of Futerra Lucy Shea, “Public prisons, or state-operated institutions, are entirely owned and run by the government and are mainly funded

through tax dollars. Federal prisons outsource a lot of their spending to other companies. Privately owned prisons are run by a business or company.

**Research Question #2: What are the public’s attitudes and perceptions toward mass incarceration?**

- “Americans are very unwilling to let violent offenders out of prison early. Only 29 percent said they support reducing prison time for ‘people who committed a violent crime and have a low risk of committing another crime’ while 27 percent said they support reducing prison time for violent offenders who ‘have a high risk of committing another crime.’ Majorities rejected the idea of reducing sentences for both types of violent offenders” (Lopez, 2016).

**Research Question #3: How do current rates in incarceration rate to previous rates in incarceration in the US?**

- “The ‘tough on crime’ punishment philosophy of the 1980’s and 90’s combined with the heinous “War on Drugs,” led to legislation under Republican and Democratic administration that used a jail cell as a first, rather than last, resort for people who broke the law” (Nott 2016).
- Professor of Criminology Jody Sundt says the prison population has risen due to an array of policies implemented including that of “truth in sentencing” laws, restrictions on the use of parole, mandatory minimum prison terms and more.

**Research Question #4: How has America become such a leader in mass incarceration worldwide?**

- “Arguably the most important question facing American society today is why, in the land of the free, one in thirty-one people is under some form of penal control,” says Elizabeth Hinton, American Historian and Professor in History.
- As the leader in incarceration, the United States incarcerates over 2.2 million people – at an increase of over 500% over the last forty years, with no change in crime rates (The Sentencing Project, 2016).

**Research Question #5: How do private prisons contribute to the mass incarceration problem?**

- “Academic research has found that incarcerating people in prisons operated by private companies, which have business models dependent on incarceration, increase the likelihood of those people recidivating.” The article continues, “Private prison companies have long histories of neglecting prisoners” basic needs and failing to create an environment conducive to rehabilitation. To reduce normal business risks around fluctuating prison populations, private prison companies add occupancy guarantee clauses to many contracts...” (Friedmann & Kirby, 2016).

**What are the average costs to detain a person for a year?**

- Incarceration costs an average of more than \$31,000 per inmate, per year, nationwide, according to the Vera Institute of Justice. Whereas in some states, it can cost up to \$60,000 to incarcerate each person per year. According to Vera, the “average cost per inmate” is calculated by taking the total state spending on prisons and dividing it by the average daily prison population.

- According to the Bureau of Justice Statistics, specifically, the United States spends more than \$80 billion each year to keep roughly 2.3 million people behind bars.

### **What rehabilitation programs are available?**

- Imprisoning drug offenders may resonate with some who think prison is the only way to make their communities safer, at least while they are incarcerated. Yet, the overwhelming majority of drug prisoners will come back out eventually to rejoin society, many within just a few years or even months. The Maryland State Commission on Criminal Sentencing Policy reports that the average sentence for two thirds of drug offenders convicted in circuit courts is 20 months... Though the time behind bars spent is limited, the impact of a felony conviction may last a lifetime, and even a short period of incarceration has been shown to affect people's earnings and ability to get a job, to be parents and become productive parts of their communities" (McVay & Schiraldi & Ziedenberg, 2004).

### **What solutions to mass incarceration are there?**

- "By taking a practical approach to criminal justice reform, we can decrease crime, enhance public safety, and make more responsible use of our resources." In particular, the following measures need to be implemented: Eliminating mandatory minimum sentences and cutting back on excessively lengthy sentences, shifting resources to community-based prevention and treatment for substance abuse, investing in interventions that promote strong youth development and respond to delinquency, examining and addressing the policies that contribute to racial inequality at every stage within the justice system and

removing barriers that make it harder for individuals to turn their lives around”  
(The Sentencing Project 2020).

### **Criminology Data and Insights**

For this study, personal questions in pertinence to the mass industrial complex were asked to experts in the criminology space. Because there is so much content and so much various feedback on the current status of our mass incarceration situation, it was interesting to tune into three vastly different individuals’ thoughts in the face of mass incarceration. They all shared one common goal: to end the mass incarceration and mass imprisonment system that we have today in America. The following six questions were asked to collect expert opinions on the evolution and rise of incarceration rates.

#### **Research Question #1: How would you, as an expert in your field, describe the mass incarceration complex and how does it affect public health?**

Throughout history, incarceration has targeted and highly impacted minority communities, especially those coming from disadvantageous sectors of society. From there, many of the inmates suffer from physical and mental health. On top of this, a large population of the prison population experience afflictions of substance abuse, mental illness and/or risks of infectious diseases such as HIV, sexually transmitted diseases and more. With the aspect of overcrowding that is present in many jail and prison facilities, there is less available access to medical care within the unit and therefore results in poor health affects along with higher risks of suicide. In addition to this, both women and men who have been imprisoned are more likely to suffer consequences of unemployment and leading to higher rates of social inequality along with housing insecurity and neighborhood disadvantage. Because of this, neighborhoods who have

been impacted by the criminal justice system experience high rates of economic, social and economic disadvantage.

This question was asked to further tackle the relation between public health and mass incarceration. Essentially, much of this question was centered upon the segway from lower-income communities to impact on health equity. This question is able to shed light into the connection between prison, food, and public health. According to the Prison Policy Initiative, people in prisons and jails are disproportionately likely to have chronic problems including diabetes, high blood pressure as well as substance use and mental health problems.

Table 1

*Mass Incarceration Complex and the Connection to Public Health*

---

Respondent	Connection to Public Health
Mary Green	So your first question, you ask about mass incarceration and its relationship now to public health...and it's really interesting because one might think that that is rather a timely topic given obviously the current pandemic that we're dealing with, right. But I think it's important to recognize that when we look at the existing body of research and we look at health in particular, we look at the health of those incarcerated or we look at the health and well-being of individuals that work in correctional settings, it's important to recognize that we know very little about the health and well-being of individuals in the justice system. We have a sense that there exist some tremendous health disparities.
Todd Clear	The impact on the, on the community for people going to prison reduces lifetime earnings by forty percent. We know that there are some neighborhoods where almost every adult male has been to prison. So, you have some neighborhood conservation concentrates by location, there are some neighborhoods where the entire adult male population in that neighborhood has an earning capacity that's 40% less than the average person. So, impact on these neighborhoods then, is that they suffer from

substantially reduced economic capacity. They are not able to pay for kids after school program, they are less able to support neighborhood institutions.

Khalil A.  
Cumberbatch

So, when you look at you know high rates of high blood pressure, stroke, aneurysm, these are highest among incarcerated populations because the simple things like the food. One of the things that many people don't know or don't pay much attention to is the fact that when you're incarcerated, the majority of food that you're eating is pre-processed and pre-prepared. And so what that means, is that they put a bunch of food in the fridge to make sure their shelf life is much longer, it's a bunch of stuff that comes out of cans and as you know, canned food is prepared food, pre-processed food is very high in sodium and its very easier for someone to develop, simply from eating the food, a high sodium diet that drinking water won't solve and it's not the healthiest and jails and prisons.

---

The data above shows the criminologists' thoughts on mass incarceration and its connection to public health. Many of the researchers and experts pointed out that public health and mass incarceration directly correlate to what's going in our society today, mass incarceration. Two out of the three experts interviewed brought this example into the interview.

**Research Question #2: What are the public's attitudes and perceptions toward mass incarceration?**

Throughout history, crime has been deemed as a major issue perplexing our nation and plaguing our inner cities throughout the United States. According to German Lopez at Vox, Americans are very unwilling to let violent offenders out of prison early. Only 29 percent said they support reducing prison time for 'people who committed a violent crime and have a low risk of committing another crime' while 27 percent said they support reducing prison time for violent offenders who 'have a high risk of



committing another crime.’ Majorities rejected the idea of reducing sentences for both types of violent offenders.”

Question number two was addressed to explore public attitudes and the variance of public perceptions toward mass incarceration. It is apparent from the literature that public attitudes are closely related to politicians' attitudes. It appears that many American's are not aware to the full extent on the problem of incarceration in America, as most people just turn a blind eye to this problem. This question was asked to gather more information as to what the public thinks on this issue and to create a general consensus on the way that mass incarceration makes Americans feel.

Table 2

*Public Attitudes and Perceptions Toward Incarceration*

---

Respondent	Common Attitudes and Perceptions
Mary Green	Yeah, great question, so I would say absolutely not, I don't think we are aware of the complexities. Like I think even though so many of us are touched by incarceration, even though so many of us have a loved one, have a friend, know someone who has been incarcerated, I think because the experiences can be so varied, depending on our status, depending on the type of facility that we are confined in, it is so varied.
Todd Clear	The racist foundation of this is extremely clear for everybody. And people of color who have lived in these neighborhoods have known that the whole time. And people who don't live in those neighborhoods didn't know it because they were essentially the beneficiaries. So, I've been in this business for over 40 years and in the last 10 years the public conversation about this has been changing.

Khalil A. Cumberbatch      The sad reality of that is that the criminal justice system operates very much opposite of that. It is designed to be a catch fall for some of the deeply engrained ills of our society. So, if you have a mental illness problem, there's no mental health treatment that is systemic and sustainable. So, what do you do? Your conditions are not understood, empathy is not given to you, sympathy is not given to you.

---

Table 2 summarizes the answers to these questions which brought up different information than the literature review addressed. All three of the respondents had similar responses in that public perceptions of incarceration in America varies by location and neighborhood. The respondents had similar constructions on this in that they believed attitudes are dependent upon experience and social proximity to the justice system.

**Research Question #3: How do private prisons contribute to the mass incarceration problem?**

Private prisons create a conflict of interest simply by their economic interest in the criminal justice system. Essentially, private prisons are created upon the foundation and receive economic stipends simply by locking more people up in prison. Law enforcement are often arresting more people in relation to filling that level of occupancy within private prisons. This leads us to the question whether prison systems are motivated by profit or they are taking that lead to rehabilitate the offender.

The literature review gives more background to this in that private prisons were originally born in European countries including Amsterdam and Hamburg. Originally, these prisons were built overseas to “Obtain public authority to confine troublesome people” in private facilities. “In 1979, private firms began contracting with the Immigration and Naturalization Service to detain illegal immigrants pending hearings or deportation. Prison privatization has been driven not only by the growing support among

lawmakers and the public for private provision of traditional government services, but also by exploding prison populations resulting from stricter drug and immigration laws and changes in sentencing procedures” (Volkh, 2002).

This question was designed to explore the use of private prisons within America and how they contributed or controlled our mass incarceration problem. The question was used to address the weight that these private prisons carry. The literature on this topic features information on how the private prison industry operates,

Table 3

*Private Prisons in Relevance to the Mass Incarceration Problem*

---

Respondent	Privatization of Prisons
Mary Green	Again, it is really, really important for people to know that there is no evidence on the impact that private prisons have on reducing crime, on maybe umm leading to better outcomes for justice involved people, we just don't know. And it's really frustrating, right because your respective about how you feel about the privatization of the sector within the criminal justice system, it's really important to have it be driven by evidence.
Todd Clear	So, I think the contribution of the private sector to this is overblown. There are people who are making money off of the prison system. That's always been true. That's always been true in many industries. Private farmers hired out convict labor to pick cotton at almost slave wages
Khalil A. Cumberbatch	So, I would say that the privatization of the criminal justice system, at large, at its core, is making money off of a huge social justice issue is insane. And if we could be met with a level of public outcry, that we just don't see, because people say it's all in the name of keeping bad people away from us. Right? Some people would hear that 80 billion price tag and say if it was up to me, I'd spend a hundred billion dollars because it's all about protecting the good people from the bad people. And so, the other place I'll say that with privatization really hits hard is in immigration detention centers.

---

Table 3 features the three different respondents and their feelings toward privatization. All three respondents had varying ideas as to whether this was a problem that perplexes our nation. One respondent said it is, one said it's somewhat a problem while the third respondent classified that we don't know enough about the private prison industry and there is not enough factual evidence to really back up the usefulness (or usefulness of this industry). This leads us to really question the presence of private prisons.

**Research Question #4: How do current rates in incarceration rate to previous rates in incarceration in the US?**

In the past 8 years, the United States has built more jails and prisons than colleges and according to a 2015 Vice article, there are more than 5,000 prisons and jails across the 50 states. According to the Prison Policy Initiative, as of March 2020, the criminal justice system holds almost 2.3 million people in 1,833 state prisons, 110 federal prisons, 1,772 juvenile correctional facilities, 3,134 local jails, 218 immigration detention facilities, and 80 Indian Country jails as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories. According to the Sentencing Project, this is a 500% increase over time within the last forty years. Interestingly enough, violent crime has also been decreasing over the course of the past twenty years, but we currently have the highest number (at any given point in history), serving life sentences. Increasing evidence shows that mass incarceration does not increase public safety.

This research question was studied to see historical trends in incarceration and to get a better idea of where we are now in relation to history on this topic. The literature shows that America has placed emphasis on prison as the answer to all thing's crime or

non-crime, violence or non-violence. It also shows that America maximizes the opportunity for someone that is not violent to go to prison rather than utilize another remedy of healing and rehabilitation. For example, people dealing with substance abuse issues along with mental health issues are responded to by being placed behind cells.

Table 4

*Current Versus Previous Incarceration Rates*

Respondent	Current Rates
Mary Green	President Obama and his administration really advanced criminal justice reform brought this to our attention. For them, reform was critical, during these times, and I think that has continued to varying degrees. Irrespective to maybe what the federal government is doing, luckily, we are still seeing so much reform at the local and state level. I am just so happy to see the work continue at the local and state level because that is where it touches so many people.
Todd Clear	So, we made prison sentence less available, but we are catching a lot more people, so the number of people information was also growing at that time that prison populations were growing, and probation and parole populations were growing. In the second half of that middle period we started stacking on center, we started having recidivism sentences passing so a second felony instead of getting you another five years got you ten years or twenty years or twenty-five years. And there was a real explosion in statutes allowing life sentences with tool licenses without parole and so, what happened we really increase the number of people we really increased the rate at which people were going to prison.
Khalil A. Cumberbatch	And what do we see? In the next ten years, we see a dramatic jump from where we were in 1990 and if you look at what our numbers were in 2000, a dramatic difference. Fast forward to 2003, I believe, is when we actually hit the 2 million mark. And now we have what we have, which is a prison industrial complex which is a system that is so massive and so wide that it is, that it's hard to dismantle, and there's so much reliant on this massive problem, that it would actually be in many people's best interest to keep the system propped up as opposed to completely dismantling it.

Table 4 shows the respondents theories and discernment toward incarceration rates over time. Some believe that mass incarceration is a new phenomenon while some of the criminologists strongly believe that this problem was destined to happen with the way in which our country is formulated upon incarcerating people and the money that goes into this industry. Others claim that they are just happy that it is something that politicians continue to look into and continue to hold at the forefront of their strides to make change.

**Research Question #5: How has America become such a leader in mass incarceration worldwide?**

“The United States accounts for five percent of the world’s population yet we account for twenty-five percent of the world’s inmates” (Obama, 2015). Furthermore, the 5,000 jails and prisons America now has were a simple matter of supply and demand. And since 1970, the detained population in the United States has increased by 700 percent. This is why there's been such a boom in the more controversial practice of for-profit imprisonment. Incarceration—whether it's for natural-born citizens, immigrants, or anyone else behind bars in America—is recession-proof” (Vice, 2015).

This research question addresses America and the country’s foundation built upon incarcerating people. The literature really reinforces the fact that America is a leader in incarceration and is indeed the country that locks up the most people on a yearly basis. The literature review also addresses the numbers in terms of America’s growing incarceration population in relation to other developed countries.

Table #5

*America as a Leader*

Respondent	Insight into America as a Leader
Mary Green	I mean there are just these gaps in communities, and people are criminalized because they aren't able to function, that mental health deficit or given their financial economic strain that they're facing. And it's interesting because I think there's varying perspectives on why we have the number of individuals in prisons, and I think they all to some degrees have some merit. You have for example Michelle Alexander's perspective and what this means for people of color.
Todd Clear	So, the first half of the question, let me say that I think you cannot answer that question without taking account of race. So, the Willie Horton story in the first election was a race issue. Richard Nixon law and order were a race issue. It was a really and there's just tons of scholarship on this out there, and anyone who wants to try to say that growth of the prison system in the United States in the 70s, 80s and 90s was some kind of intentional policy to avoid racist content is simply lying to your teeth
Khalil A. Cumberbatch	You know, this country has never had 2.3 million people in a jail or prison cell at any given time. Many people in retrospect, look back and have tried to identify a particular point in where this country exploded into what we now call the prison industrial complex and undoubtedly, I think everyone agrees that it all ties back to the omnibus bill that was passed under the Clinton administration. Ironically, we have the presumptive democratic nominee, who not only authored it, but the one who championed it and said some of the most racists and demagog-ish (if that's the word), things on the second floor in this country's history – including things that were referring to people as predators, super predators and spreading a false narrative. So, the 1994 omnibus crime bill really changed a lot.

Table 5 shows the theories and hypothesis as to why our incarceration problem has grown over the course of history. On that note, there are many different speculations on how this number has hit that 2+ million mark ranging from harsher punishments to racial prejudice rooting deep. Many of the criminologists interviewed shared similar viewpoints on this question yet approached it with different reasonings as to why that

number is as high as it is currently. However, the bottom line is -- we are sending more people to prison (than ever) and making them stay longer.

**Research Question #6: What solutions to mass incarceration are there?**

According to the Brennan Center for Justice, America needs fundamental reform to reduce our reliance on incarceration, while keeping citizens safe. Common solutions to end mass incarceration include eliminating prison for lower-level crime, reducing sentences in terms of minimums and maximums, eliminating the Three Strike Laws and resulting in other rehabilitation programs for convictions in the face of drug offenders. Overall, it's important to jumpstart this conversation and figure ways to really see this issue through in terms of not where we are, but where we need to be.

This final research question allows us to tune into the remedies and take a deeper look as to what can be done about this issue. The literature suggests that critical solutions to implement include that of eliminating mandatory minimum sentences and cutting back on excessively lengthy sentences, along with shifting resources to community-based prevention and treatment for substance abuse and investing in our youth at a young age. Most of all, the solutions all root in taking the criminalization out of aspects that criminalize people as our first line of defense.



Table #6

*Solutions to Incarceration*

---

Respondent	Solution
Mary Green	So, I would say anything that we can do to one recognize the trauma that young people experience, we need to support them in school, anything we can do to de-marginalize communities, I think ultimately helps us manage who enters our justice system.
Todd Clear	We are making arrests that we do not take seriously enough, and we send people back to prison for. So, the point here is that we need to stop doing that. We need to say that just because you failed to abide by the rules, you are not going to go back to prison. We're not going to change the level of surveillance applied to you in comparison to anyone else. And that means an anti-parole supervision as we know it, then that's the case. Parole could be different, it is different in other places, but our parole system in the United States has gone bonkers, and they are their worst enemy.
Khalil A. Cumberbatch	In terms of a much broader conversation, we really need to grapple with many of the deeply rooted issues that this country has with race and that this country has with gender, with the way that a person displays their sexuality. Like, we have to get to a point where we in this country, quite honestly say 'Live and let live.' Now, that doesn't mean you walk into any bank and rob any bank that you want to, nobody's saying that. Nobody's saying to do bad things to people, but what is the need that we have for the constant search to otherwise someone, whether they're Muslim, whether it's someone that identifies as LGBTQ, whether it's a democrat or republican, whether it's someone who is older or younger, there's always something that as a society, we always feel the need to point at someone and say, 'You're less than just because you're that.' And that is a much deeper conversation, that needs to happen.

---

The respondents had different approaches to remedies in the name of incarceration spanning from working on our juveniles, to decreasing recidivism rates (and

decreasing the space for additional surveillance for people who are on parole). Another point that was addressed through this question was the fact that we need to change the way we see and view things, essentially to “unknow the things we do know” and change our ways of thinking especially when it comes to “criminals”. Furthermore, we really need to incentivize change with this issue and give our politicians the space and the mindset to do so, according to one expert source.

## Chapter 5

### Discussion and Recommendations

#### Summary

This study was created in response to arising questions regarding the mass incarceration complex along with that of the privatization versus public prison industries. Today, the prison industrial complex is a term that we hear every so often in which we often overlook due to the nature of our society. It is essential to collect data and information from experts in the criminology realm in relevance to their perspective on the mass incarceration issue that plagues our nation.

To find more information on current information in this field, experts were asked the following questions that to gain more insight into their experiences and their perceptions regarding mass incarceration:

1. How would you, as an expert in your field, describe the mass incarceration complex and how does it affect public health? Please give examples.
2. Do you believe that the public is aware of the complexity of mass incarceration? What are some common public perceptions toward mass incarceration?
3. In your opinion, has the privatization industry contributed or controlled the prison population? Why?
4. How has mass incarceration become such an issue in society today? From a historical standpoint, where are we at now in regard to prior decades? Please shed some insight into incarceration trends over time.
5. Why do you believe that the United States has allowed this issue to become so prevalent? Do you think our nation believes the only answer to the problem is criminalization?

6. How would you manage the prison population? Where can we go from here?

Each research question was slightly altered based on the participant and their education and experience in the field of criminology. The questionnaire elicited a variety of responses that were tied to the literature on mass incarceration, the history and the background of the complex.

## **Discussion**

By analyzing the data collected from Chapter 4, connections made between experts' responses provided during the interview process, and the existing literature in Chapter 2, it is possible to make conclusions regarding the following original research questions.

### **Research Question #1: How do public and private mass incarceration differ? What is the mass industrial complex?**

All three of the experts responded by discussing their opinions on mass incarceration and mainly the connection to public health. All three of the experts suggested that mass incarceration has become a major issue in society, and that mass incarceration is deeply tied to public health. In addition to this, the experts claimed that mass incarceration has become quite an issue in which we need to focus deeper efforts on.

The literature reflects a similar perspective. "One of the biggest issues perplexing our nation today is the war on incarceration. Currently, our nation incarcerates more than 2.2 million adults – in which 665 people of every 100,000 people are behind bars. (Kahn, 2019).

Overall, it is possible to conclude that mass incarceration is a war that we need to fight and is an issue that every individual and the public as a whole is responsible for solving. We are

also able to see the deep ties that mass incarceration has with public health and are better able to see the connection there through the lens of experts.

**Research Question #2: What are the public’s attitudes and perceptions toward mass incarceration?**

All three experts had a very similar take on public attitudes and perceptions toward mass incarceration. Green, Clear and Kumberbatch all pointed out that perceptions and attitudes vary by neighborhood and more specifically, exposure to the issue.

The literature reflects somewhat similar information on this as well. Lopez (Vox) found that America’s attitude toward incarceration revealed what they do not understand about the prison system. He adds, “Americans are very unwilling to let violent offenders out of prison early. Only 29 percent said they support reducing prison time for ‘people who committed a violent crime and have a low risk of committing another crime’ while 27 percent said they support reducing prison time for violent offenders who ‘have a high risk of committing another crime.’ Majorities rejected the idea of reducing sentences for both types of violent offenders.”

Overall, there are some similarities and differences in both the literature and the responses of the experts. The experts focused more on groups and the perceptions of people varying by neighborhood and their social proximity to the criminal justice system. The literature focused and leaned in more on the nation as a whole and people’s warped perceptions of the justice system. The literature also claimed that there is so much that people need to learn about the system in order to change those preconceived attitudes and perceptions.

**Research Question #3: How do private prisons contribute to the mass incarceration problem?**

The experts, all three of them, had a different take on the privatization of prisons and the systems connection to mass incarceration. One of the experts concluded that there is just not enough evidence to conclude that the privatization industry contributes to the mass incarceration phenomena. On the other hand, Clear concluded that it doesn't feel right, but there is always going to be the privatization industry and it only holds about 15% of the prison population. Finally, the last respondent was struck that there could ever be such thing as a profit incentive involved in the prison industry and that the privatization industry was simply malicious for their intent to be motivated by financial motives.

The literature simply stated the facts, without offering the extent of emotional opined responses. CEO of Futerra Lucy Shea states, "Public prisons, or state-operated institutions, are entirely owned and run by the government and are mainly funded through tax dollars. Federal prisons outsource a lot of their spending to other companies. Privately owned prisons are run by a business or company. They are bought by private firms from the government (either local, federal or state) and become accountable to maintain them." In simpler terms, a private prison is a facility that incarcerates offenders for profit (and are motivated by financial profitability) (Blakely & Bumphus, 2004).

Overall, there are definitely a wide range of opinions regarding the private prison industry and whether it really is a big issue at stake. There is definitely controversy surrounding this industry and whether it really is one of the underlying reasons for incarceration. It is interesting to also think that there are simply just not enough facts to conclude whether the industry actually does harm in terms of prison numbers and inmate mental health.

**Research Question #4: How do current rates in incarceration rate to previous rates in incarceration in the US?**

All three of the experts agreed in terms of current numbers in relevance to previous numbers. The conclusion from the experts was that mass incarceration has had a drastic incline over the years and we are incarcerating at an insane rate.

The literature also agrees with the findings that incarceration has truly become an increasing issue within American society. The literature also points to the reasoning behind this steady incline over the years, and really sums up why we have this massive issue with incarceration. “The ‘tough on crime’ punishment philosophy of the 1980’s and 90’s combined with the heinous “War on Drugs,” led to legislation under Republican and Democratic administration that used a jail cell as a first, rather than last, resort for people who broke the law” (Nott 2016).

Overall, there is one thing that we can all agree on. The numbers incarcerated are drastically increasing and this is a result of the foundation of our prison system. America’s Tough on Crime stance has really played a major role in setting this foundation, in which makes it systematically easier to be imprisoned in the first place and imprisoned for a longer period of time.

**Research Question #5: How has America become such a leader in mass incarceration worldwide?**

The experts all agreed that there are a few reasons why America is such a leader in incarceration amongst other developed countries. The literature suggests that America imprisons

more people than any other country in the world, in which there is also evidence supporting the numbers in comparison to other countries numbers.

The literature focuses on our numbers and how they compare to those of other countries. Author and professor Schlosser writes, “The United States now imprisons more people than any other country in the world perhaps half a million more than Communist China.” She continues, California has the biggest prison system in the Western industrialized world, a significant percent bigger than the Federal Bureau of Prisons. The state holds more inmates in its jails and prisons than Great Britain, Germany, Japan, Singapore, and the Netherlands combined.

Overall, there is total evidence in both the literature and the expert statements that prove that America is the leader in the incarceration. Because America’s approach to punishment often lacks a public safety rationale, America’s approach also greater affects minorities and inflicts harsher sentences. With that, the prison population has been growing since the 1970s and continues to grow.

**Research Question #6: What solutions to mass incarceration are there?**

The research experts all pointed out different solutions which all tie back into the search for a mass incarceration solution. The responses ranged from investing further in our youth, scaling back on probation rules to un-knowing the known and looking at this issue from a different lens – essentially to Live and Let Live.

The literature has a similar perspective there, that by taking a practical approach to criminal justice reform, we can decrease crime, enhance public safety, and make more responsible use of our resources.” In particular, the following measures need to be implemented: Eliminating mandatory minimum sentences and cutting back on excessively lengthy sentences, shifting resources to community-based prevention and treatment for substance abuse, investing



in interventions that promote strong youth development and respond to delinquency, examining and addressing the policies that contribute to racial inequality at every stage within the justice system and removing barriers that make it harder for individuals to turn their lives around” (The Sentencing Project 2020).

Overall, there are many different approaches that we as a nation can take to take steps forward in a world where incarceration is the answer. But we have to start somewhere, and that is to come to the realization that mass incarceration is a solvable problem. In that, we need to give our politicians the room and the reason to make these changes, on a local level and then on a broader spectrum.

### **Recommendations for Practice**

After completion of the study, substantial data has been collected and analyzed on the topic of mass incarceration, public health, prison rates and solutions. Given the information, it’s important to highlight the most eye-opening content and present it to individuals to inform about mass incarceration, privatization, and solutions to the complex that we are experiencing as a nation. Some things to think about are “How did we get here?” and “Where can we go from here?” It is also important to know that as individuals we have more power to us to change this problem than we know.

### **Unknow the known**

According to Dr. Cumberbatch, a formerly incarcerated individual, it’s important for us to put on different lens in retrospect to the issue of mass incarceration that we experience as a nation. That being said, we also need to address the core foundation that America was built upon: that of blood and violence. Doctor Cumberbatch claims that because we have yet to address our faults and be accountable for our nation’s historical wrongdoing, then it’s really hard to go

anywhere from there. Cumberbatch's bottom line there throughout his studies is that we need to firsthand foremost hold ourselves and our country accountable and second, unknow the things we have been conditioned to think, and use a new vision that enables us to really see this issue for what it is.

### **Mass Incarceration as a Complex**

Finally, the findings of this study remind us that we need to see this enormous number of incarcerated individuals and want to make change. It is really important to study the trends of mass incarceration and see the dynamics. These numbers and findings should really urge us to dig deeper and study that connection between systematic incarceration – and that fine line between imprisoning people for crime related incidents versus imprisoning people just to imprison people. Finally, by definition, the prison industrial complex is a term we use to describe the overlapping interests of government and industry that use surveillance, policing, and imprisonment as solutions to economic, social and political problems. That being said, we really need to navigate what that means for imprisoned person(s) and advocate on behalf of other forms of rehabilitation and methods in opposition to incarceration.

### **Study Conclusion**

In conclusion, given the findings of the study, there should be qualitative research done regularly on the topic of mass incarceration and the privatization industry. Routine data collection and interview should be conducted based on the independent nature and evergreen subject matter of incarceration. There is simply just not enough evidence out there, according to one expert, regarding the effects of privatization and its impact on the mass incarceration complex. This study and literature serve as a baseline foundation for us to better understand mass incarceration and where the substructure of it lies. It allows us to dig deeper into this issue that

has harmed and targeted the lives of many throughout the country. From here, we are better able to see where we can go in terms of solutions and in regard to seeing a world without such harsh punishment, and potentially a world where we are able to give people the second chances they deserve.

## References

- (n.d.). <https://study.com/academy/lesson/private-vs-public-prisons-differences-statistics.html>  
an *Arizona State Law Journal*, 40(1), 47-84.
- Aviram, H. (2014). Are private prisons to blame for mass incarceration and its evils: Prison
- Bajracharya, S. (2018, February 15). Authoritarian Theory of Mass Communication.  
<https://www.businessstopia.net/mass-communication/authoritarian-theory>
- Barlow, H. D. (1995). *Crime and public policy: putting theory to work*. London: Westview Press.
- Blakely, C. R., & Bumphus, V. W. (n.d.). Private and Public Sector Prisons - A Comparison of  
Select Characteristics. [https://www.uscourts.gov/sites/default/files/68\\_1\\_5\\_0.pdf](https://www.uscourts.gov/sites/default/files/68_1_5_0.pdf)
- Braga, A. A. (2015-2016). Better Policing Can Improve Legitimacy and Reduce Mass  
Incarceration
- Clement, D. (2002). Private vs. public: The prison debate, 14(1).
- Comparing public and contracted prisons. (n.d.). *Competition for Prisons*, 105–108. doi:  
10.2307/j.ctt1t89dz0.12
- Conditions, neoliberalism, and public choice. *Fordham Urban Law Journal*, 42(2), 411-450.
- Cullen, James. *Four Things We Can Do to End Mass Incarceration*, 2016.
- Davis. *Globalism and the Prison Industrial Complex: an Interview with Angel Davis*, 40(2-3),  
145–157. doi: 10.1177/030639689904000210
- Enns, P. K. (n.d.). *The Public's Increasing Punitiveness and Its Influence on Mass Incarceration*  
From Our Perspective. (n.d.).  
<https://www.owu.edu/news-media/from-our-perspective/tough-questions-for-tough-on-crime-policies/>

Gershowitz, A. M. (2008). Informational approach to the mass imprisonment problem,  
Gordon, A. F. (1999). Globalism and the prison industrial complex: an interview with Angela  
Hargrave, M. (2020, January 29). The Pros and Cons of Privatization.

<https://www.investopedia.com/terms/p/privatization.asp>

Heitzeg, N. A. (2009). Education Or Incarceration: Zero Tolerance Policies

Heseltine, K., Day, A., & Sarre, R. (n.d.). Prison-based correctional offender rehabilitation  
programs: The 2009 national picture in Australia.

Hinton, E. (n.d.). *From the War on Poverty to the War on Drugs: The Making of Mass  
Incarceration*

How much does it cost to send someone to prison? (2019, April 29).

<https://www.marketplace.org/2017/05/19/how-much-does-it-cost-send-someone-prison/>  
*in the United States*. Cornell University. *Incarceration*.

*Incarceration*. *Harvard Law Review Forum*, 129, 233-241.

Kann, D. (2019, April 21). The US still incarcerates more people than any other country.

<https://www.cnn.com/2018/06/28/us/mass-incarceration-five-key-facts/index.html>

Larkin, P. (2013). Public choice theory and overcriminalization. *Harvard Journal of  
Law & Public Policy*, 36(2), 715-794.

Lopez, G. (2016, October 11). How America became the world's leader in incarceration.

Lopez. (2016, September 7). Want to end mass incarceration? This poll should worry you.

<https://www.vox.com/2016/9/7/12814504/mass-incarceration-poll>

*Low rates of crime*. Washington: The Brookings Institution. maps and charts.

mass incarceration. *New York University Review of Law & Social Change*, 33(2), 235-  
270.

Mauer, M. (2015). Changing the Knowledge Base and Public Perception of Long-Term  
McVay, D., Schiraldi, V., & Ziedenberg, J. (n.d.). Treatment or Incarceration? *National and State*

*Findings on the Efficacy and Cost Savings of Drug Treatment Versus Imprisonment.*

Nott, D. (2016, May 25). What is Mass Incarceration?

[https://medium.com/@dan\\_nott/what-is-mass-incarceration-ff737196580](https://medium.com/@dan_nott/what-is-mass-incarceration-ff737196580)

PCARE @10: reflecting on a decade of prison communication, activism, research and education,

Peled, Y., & Navot, D. (2012). Private Incarceration - Towards a Philosophical Critique.

*Constellations*, 19(2), 216–234. doi: 10.1111/j.1467-8675.2012.00679.x

*Practice*. Singapore: Springer Singapore : Imprint: Springer.

Prison Pipeline. *ERIC*, 2009. doi: 1938-9809

Prisoners. *Criminology & Public Policy*, 14(2), 351–353. doi: 10.1111/1745-9133.12135

Raphael, S., & Stoll, M. A. (2014). *A new approach to reducing incarceration while maintaining*

Reasons for optimism, pessimism, and uncertainty. *Criminology and Public Policy*, 15(1), 179-186.

Schlosser, E. (1998, December). The Prison-Industrial Complex . *The Atlantic Monthly* , 51–69.

Schoenfeld, H. (2012). The war on drugs, the politics of crime, and mass incarceration in the

Sinden-Carroll, L. (2019). *Auto-ethnography in Public Policy Advocacy: Theory, Policy and*

Sundt , J. (1999). *Is There Room For Change?: A Review of Public Attitudes Toward Crime Control and Alternatives To Incarceration*(Vol. 23).

Surico, John. "How America Became the Most Imprisoned Nation in the World." *Vice*, 2 Oct. 2015, [www.vice.com/en\\_us/article/avy474/america-incarcerated-0000765-v22n10](http://www.vice.com/en_us/article/avy474/america-incarcerated-0000765-v22n10).

Trends in U.S. Corrections. (2017). *The Sentencing Project*.

United states. *Journal of Gender, Race & Justice*, 15(2),315-352.

Vinney, C. (2019, October 23). What Is Cultivation Theory?

<https://www.thoughtco.com/cultivation-theory-definition-4588455>

Volokh, A. (2015). *A Tale of Two Systems: Cost, Quality and Accountability in Private Prisons*(7th ed., Vol. 115). Harvard Law.

Wakefield, S., & Wildeman, C. (2014).

Weissman, M. (2009). Aspiring to the impracticable: Alternatives to incarceration in the era of while looking ahead to new challenges and opportunities. (2017). *Communication & Critical/Cultural Studies*, 14(3), 288-310.

<https://doiorg.ezproxy.lib.calpoly.edu/10.1080/14791420.2017.1345577>

Wozniak, K. H. (2016). Public opinion and the politics of criminal justice policy making.

## Appendix A

### *Interview Transcripts: Mary Green*

The following interview was conducted to get expert opinions from a criminal justice perspective based on a questionnaire about the mass incarceration complex and the privatization industry.

Interviewer: Maile McPherson

Respondent: American Criminologist and Criminology Research Expert at the Higher Education Institution in the United States (Mary Green)

Date of Interview: 5/06/2020

#### *Interview Transcription:*

Maile McPherson: “First and foremost please introduce yourself, give a little bit of background of what you do and then we can head into question one. Sounds good, awesome, yep, go ahead whenever you’re ready.”

Mary Green: “Let me begin with conveying my areas of expertise and why I'm so deeply passionate about research and evaluation in criminology. My work really centers on the intersection of race, crime and justice so a lot of my research is really dedicated to better understanding why disparities exist and how to reduce those disparities, both in crime and in criminal justice involvement. And part of that work really has been dedicated to better understanding the impact of incarceration on children and families and how to minimize the adverse outcomes that come when someone or a loved one is removed from the home and incarcerated.”

MM: “Definitely.”

MG: “So your first question, you ask about mass incarceration and its relationship now to public health...and it's really interesting because one might think that that is rather a timely topic given obviously the current pandemic that we're dealing with, right. But I think it's important to recognize that when we look at the existing body of research and we look at health in particular, we look at the health of those incarcerated or we look at the health and well-being of individuals that work in correctional settings, it's important to recognize that we know very little about the



health and well-being of individuals in the justice system. We have a sense that there exist some tremendous health disparities. We know that certain individuals because they have not been able to have appropriate behavioral and physical health services in the community, they enter correctional settings and really have some deficits health wise. And we also know that for some incarcerated individuals we are able to provide them with services and the treatment that they were unable to have in a community. So, it's important to recognize that our correctional systems often lack the services so serve the population. Now what happens when individuals leave, and here I'm talking about what studies have been able to tell us about this. We know that some individuals may be able to leave a prison or correctional setting better off, physically because they've been able to attend to these health needs, these gaps that exist, but some individuals may actually come out worse. So, right, there really isn't a kind of uniformity in these kinds of affects. So let me problematize this a bit more, I would say as would many experts that focus on the incarceration experience that that period of incarceration is a black box. We assume people are incarcerated and kind of nothing happens to them and that they're doing their time, right. If they're fortunate enough to have visitors, then maybe they have visitors, maybe they have contact with loved ones outside of the prison system, but we really don't know really what happens and what that experience is like."

MM: "Totally."

MG: "So you might actually see very different experiences. You might see some get educational services, they're able to get cognitive behavioral services, mental health services, they might be able to get substance abuse services, they may even be able to develop a trade that wouldn't otherwise be able to get in the community. Then you may have individuals because of the types of offenses they have committed and maybe because and maybe even because of communities that they have been residing in, they may be unable to qualify for these programs which means they're not receiving them. Once again, there's tremendous variability in what that incarceration experience."

MM: "Right."

MG: "And if we think of health as well, we think of one's physical, one's mental but one element that's completely under-studied is the possibility of victimization and violence that takes place in correctional studies. As you know, we often as a general public hear about maybe some large unrest, that actually takes place, some of them actually quite large involving up to ten, maybe up to thirty individuals but we really don't have a good sense of how often incidences of violence and incidences of victimization take place. So, again, I think there is so much that is really related to public health that we know so little about. And I think the focus right now, of course, is on the pandemic on Covid-19 and what can we actually do in light of the conditions of confinement, in light of um, overcrowding that might exist, in light of the underlying health disparities that exist, right, and who is most likely at risk, I mean all of that is most likely at the forefront. I would say that these are critical issues today but these are not new, right, and I would say if you study these issues, it's just impossible because we don't have the resources to provide individuals with everything that they need in order to ensure the wellbeing, right, of those confined."

MM: "Right."

MG: "And so we also know very little about the health, the safety and the well-being of staff."

MM: "Yeah."

MM: "Yes, no, that definitely makes sense. A lot of great points there, I appreciate that insight, definitely. Awesome, OK, so just for the sake of time am I OK to move on to the second question, OK? So, question two, I know it's in front of you, but question two asks whether you believe that the public is aware, to some extent, on the complexity of mass incarceration? And then following up to that, what do you believe are some common public perceptions on mass incarceration?"

MG: "Yeah, great question, so I would say absolutely not, I don't think we are aware of the complexities. Like I think even though so many of us are touched by incarceration, even though so many of us have a loved one, have a friend, know someone who has been incarcerated, I think because the experiences can be so varied, depending on our status, depending on the type of facility that we are confined in, it is so varied. So some of the common perceptions, I think, I think are probably rooted in what we see on TV, right, and now I think so many shows try to depict what the incarceration life is like and again I think those attempts to capture certain moments um of the experience of being confined. But I think when you begin to unpack what being removed from your community, being removed from your family is like and then having to navigate a system in light of what it affords you to do -- whatever privileges right you are allowed, I really do think it can be very varied. I'm always asked, um why isn't it, isn't it, all we need for example, all we need is more treatment within these institutions, if we just provide more treatment. And I often say, do you know how many people in an institution actually are receiving treatment, and the assumption usually is uh usually half, maybe three quarters and I say we estimate, and I mean again this varies. We estimate and again this varies from state to state. But we estimate that 15 % of the people who are confined are actually receiving treatment. So, when you tell me we need more treatment we're not talking about doubling right, we're talking about complete and adequate coverage of treatment and programs. So again, I think there's so much that we don't know. One of the things that we often hear advocates speak to and champion is visitation. The idea that visitation is that we should have more of visitation and that visitation is good. If you actually look at the most rigorous studies on visitation that science is actually very mixed right. Meaning that visitation in itself is not necessarily going to lead to more positive outcomes, in fact it might not have any impact whatsoever. So, I think the idea of these perceptions is more contact is good. And I think the science is getting better at conveying that maybe it's not just important to identify that maybe something like visitation or certain conditions of confinement are good or bad but rather under certain what circumstances they're really, really good and maybe under certain circumstances they're really harmful and that's I think really important to identify."

MM: "Definitely. That's a really good point too. OK um next question, let's go into more on the privatization industry."

MG: “Yeah, we could spend hours, days, weeks talking about privatization. But what I’ll tell you is this will be spiffy; um we have little to no scientific evidence on the impact of privatization and here, I’m talking about the privatization of prisons because we use the private industries on all sectors of our justice system. I mean we hire private companies to lead our treatment groups, we hire private companies to create the electronic monitoring tools we use. We hire private companies to test my urine, privatization is in everything that we do, but I think the focus has been a whole lot on the privatization of institutions and what it means. Again, it is really, really important for people to know that there is no evidence on the impact that private prisons have on reducing crime, on maybe umm leading to better outcomes for justice involved people, we just don’t know. And it’s really frustrating, right because your respective about how you feel about the privatization of the sector within the criminal justice system, it’s really important to have it be driven by evidence. Right, I want to be able to have a stand on the impact of privatization. My job as a researcher is being able to say private prisons means this and right now, we don’t. We just have um opinions, strong opinions on whether they should exist or not. I mean we have no evidence on whether they save money, or they’re more costly. We really don’t know whether they lead to better outcomes for those that take part in or are confined to those institutions.”

MM: “Yeah, exactly. Is there a specific reason why there’s no data or evidence or is it just inaccessible to actually measure the effectiveness?”

MG: “OK so I’ve talked to many individuals who run private prisons and researchers in this space and I would say it’s really due to a couple of things. One, just like it’s difficult to conduct research on the prison experience, it’s just very difficult to get access to data from private companies, and it’s also really difficult to get access from the states. I would argue that it is just as important for any public and private sector in the justice system to know how effective an efficient it is. If you believe in your product and services, then we should have access to see those results.”

MM: “Right, I was always really curious about that so thank you for shedding some more light on that topic too. So, let’s advance to question number four if that’s OK with you.”

MG: “Sure.”

MM: “And that’s kind of just addressing how mass incarceration has become such a prevalent issue in society and speaking from a historical standpoint, how it has changed over time.”

MG: It’s I think again as a criminologist, I am so happy to have issues around our justice system at the forefront of national policy, right -- I, I’m so excited about that, I really do think that crime and the justice system really is I mean, it touches so many of us, either because we’ve been victimized, because we know someone who’s been victimized or either because we know someone who has been engaged in crime and who has entered the criminal justice system. So, I really think it’s important for people to become aware of how this system has so much to improve and how important research is important in advancing policies that are going to lead to reductions in crime and to a more just system. So I do believe that it has been pushed at the forefront because we now see an increasing number of people question “is incarceration, is the system really the only vehicle, right, to address crime”, and I think now we’re having a lot more

innovative thoughts around alternatives to the justice system and finding ways to work with other sectors, whether it's schools, whether it's public health. In trying to really serve and intervene in the lives of young people before they enter our justice system. I think it's a combination of the fact that we are really incarcerating people at a higher rate than any other country and is this the only thing that we can do? And if we continue to do this, this is just not just impacting people that are incarcerated but also their loved ones and families. Cascading impacts, I feel are touching more people and individuals are now being more willing to question to what law enforcement does, what decision judges are making, and how we respond and react to those who are confined. President Obama and his administration really advanced criminal justice reform brought this to our attention. For them, reform was critical, during these times, and I think that has continued to varying degrees. Irrespective to maybe what the federal government is doing, luckily, we are still seeing so much reform at the local and state level. I am just so happy to see the work continue at the local and state level because that is where it touches so many people. Because, you know, the federal level is a very small portion of our criminal justice system. If you really want to take a big swing at reform, do it at the local level.”

MM: “Right, definitely. Great insight here. This definitely ties into my next question regarding how our rates in incarceration have changed and have been higher than ever. How do you think that the United States has allowed this issue to become so prevalent? Do you believe that the United States believes criminalization is our answer to a lot of our problems such as mental health issues, substance abuse issues along with that?”

MG: “Yeah, I mean I think that's a great question. A lot of what we hear, well at least some of the rhetoric right, individuals that enter our criminal justice system are individuals who aren't able to receive the services in the community. I mean there are just these gaps in communities, and people are criminalized because they aren't able to function, that mental health deficit or given their financial economic strain that they're facing. And it's interesting because I think there's varying perspectives on why we have the number of individuals in prisons, and I think they all to some degrees have some merit. You have for example Michelle Alexander's perspective and what this means for people of color. And you have other scholars, who say “What has led to mass incarceration is prosecuting attorneys actually charging individuals for violent crimes, it's not low-level drug offenders who are in prison. Right, and I think we hear that often,” Well if we just stopped incarcerating low-level drug offenders then we would reduce the mass incarceration problems. If you look nationwide, across all states, about 15% of those incarcerated in state prisons are there for a low-level drug offense. 56% are there for violent crimes. Violent offenders make up the majority of individuals we have confined. Reducing our prison population by releasing low-level drug offenders is not going to lead to great prison reductions, so we really have to begin to look at those decisions made by prosecuting attorneys that are at the forefront of the system. Again, you think of mass incarceration the focus on the back end, but you really have to think of that front-end and why our prosecuting attorneys are charging these individuals with these crimes, do they warrant incarceration, charging and do they warrant confinement. That should be, I think, the critical point, if you're looking at criminal justice reform. And I think some prosecuting attorneys are there and have made great strides in modifying their own practice because they said “Listen, not everyone needs to go to prison and not all violent offenders need to go to prison, right. Not all felons need to go to prison, so how

can we look at those policies more carefully to try to better understand how to reduce those that enter our correctional settings.”

MM: “Yes, definitely, that’s a great question, awesome, this brings me to my final and ultimate question, that being like how we can manage the prison population and where can we go from here?”

MG: “Yeah, I’m a big fan of focusing on young people, not just because they have been underserved, because if we can make interventions and focus our efforts on young people, then we really are going to see fewer people vulnerable to crime and victimization. So, I would say anything that we can do to one recognize the trauma that young people experience, we need to support them in school, anything we can do to de-marginalize communities, I think ultimately helps us manage who enters our justice system. In California, the Sergeant General has recognized the real vulnerable nature of kids, of young kids, as they enter schools. So, her focus is on identifying what are the major significant events that have really impacted kids before they go to school and how can we help them. Because these are kids that are developing at these critical stages. So, if we can help them, now, then we are ultimately serving them for the rest of their lives. So that would be something that we can all do, it’s hard to think of young kids, three, four, five-year olds. But I would say that’s the best thing you can do. Going forward, make those investments in young people, help donate to those organizations, those agencies that serve those kids.”

MM: “Really great points, I really appreciate all your valuable insights on this topic and thank you for sharing your time and your expertise.”

## Appendix B

### *Interview Transcripts: Todd Clear*

The following interview was conducted to get expert opinions from a criminal justice perspective based on a questionnaire about the mass incarceration complex and the privatization industry.

Interviewer: Maile McPherson

Respondent: American Criminologist and Distinguished Professor in the School of Criminal Justice at Rutgers University - Newark (Todd Clear)

Date of Interview: 5/05/2020

#### *Interview Transcription:*

Maile McPherson: “Hi Dr. Clear, thanks for your time today. Let’s get started if that’s OK with you. So, just really quickly if you want to clearly state your position and a little bit about your history, that’d be excellent!”

Todd Clear: “I have been a University professor at Rutgers University. Before that I was Provost at Rutgers University Newark and before that I was the Dean of the School of Criminal Justice. Been doing this work since 19--, I’ve been a professor since 1976 and I’ve been working on the issues having to do with incarceration rates and incarceration policies since the early 1970s.”

MM: “Wow, very cool, I’m sure a lot of people have reached out to you regarding topics on this. So, kind of just proceeding into that first question.... And that is, how would you as an expert in your field describe the mass incarceration complex and how does it affect public health? Please give examples. You can totally think on that but yeah, go ahead.”

TC: “Sure, so the number people in prison is entirely determined by two things, how many people are sat there and how long they stay. Any conversation about any other way of producing mass incarceration is a conversation around those two issues. And what has happened since the early 1970s is that we have systematically increased the likelihood that a person goes to prison given a felony conviction, and we have systematically increased how long they stay there once they get there. We also increase the likelihood that they will return to prison once their released from prison and that’s a small feeder compared to the other feeders. So just to give you a feel for the size of that, in in the early 1970s, about one fourth of the people who were convicted of a felony ended up in prison. Three fourths ended up with some other sanction mostly probation, sometimes jail. Now three quarters of people convicted of a felony end up in prison, after a quarter who don’t go to prison, about half of those have jail as a condition of their probations.... They go to jail first and then come out onto probation. So, we have we have really ratcheted up to use of the institutions to respond to crime. On the how long they stay their part, in the in the early 1970s, best estimates we have are that medium length of stay in prison for anybody going to prison was fifteen months. Today, it’s almost double that, um really, we don’t actually know

the true median because we have 300,000 people serving life without parole sentences. We won't know how long they stay in prison until they die of old age. The number of 300,000 people in prison serving life without parole, that number is larger than the entire prison system in 1972.

We have more people to serving life without parole than we had in prison in 1972. And just to round this out the crime rate is roughly speaking. So, the way you get a mass incarceration, doesn't have to do anything with crime, it has to do with how you respond to crime. It has to do with how often you send people to prison and how long you make them stay there.

MM: "Yeah, totally. I agree it's all about how we deal with crime."

TC: "So, the second half of your question is about impact or public health. There been a handful of really good studies about the impact on public health, so let me let me divide them into two groups: the studies of the impact on children and studies of the impact on neighborhoods. So, there's studies of the impact on children, buying that having a parent go to prison has detrimental impacts on children. So, for example, it increases the likelihood of delinquency, increases the likelihood of dropping out of school, it increases the likelihood of mental health issues, it increases the likelihood of substance abuse issues. So, we've massively expanded the number of parents we put in prison and by doing that we've massively extended the number of children who experience these negative consequences. Imprisonment is concentrated by location; some neighborhoods send a lot more people to prison than other neighborhoods.

So, what you have is children, in which every child in certain neighborhoods is affected by the dynamics of incarceration through their incarceration. There are some places for example where almost every child has a parent who has been incarcerated or who has gone to prison.

So, um the effect of this massive increase incarceration has been extremely powerful in neighborhoods of color, since African Americans are six times more likely to end up in prison as whites.

MM: "Right."

TC: "The impact on the on the community for people going to prison reduces lifetime earnings by forty percent. We know that there are some neighborhoods where almost every adult male has been to prison. So, you have some neighborhood conservation concentrates by location, there are some neighborhoods where the entire adult male population in that neighborhood has an earning capacity that's 40% less than the average person. So, impact on these neighborhoods then, is that they suffer from substantially reduced economic capacity. They are not able to pay for kids after school program, they are less able to support neighborhood institutions. These neighborhoods become themselves impoverished with a high concentration of people who live in those neighborhoods who have been to prison. They either practice particularly large surveillance. And then finally the way this affects help, by the way, neighborhoods who are poorer are less able to afford healthcare. Because healthcare in the United States is purchased, not provided. The ability for people in these neighborhoods to purchase their healthcare is reduced. And then finally, interesting stories about disease transmission rates. So, for example sexually transmitted diseases are more likely to be women who live in these neighborhoods are more likely to suffer from

transmitted diseases in their neighborhoods. Most people speculate that this is a consequence of destabilizing marital and familial style relationships, but the point is the health consequences that follow sexually transmitted diseases to children who are born. So, there are studies that find directly aggregated health care in relation to incarceration.”

MM: “Yeah, definitely thanks for all that information and for setting that foundation going forward. Thank you for that that intricate answer, really appreciate that. So, question number two is do you believe that the public is aware of the complexity of mass incarceration and what are some common public perceptions toward mass incarceration that you have seen or experienced?”

TC: “So, let me say that the awareness of this is highly differentiated depending on the neighborhoods people come from. People who come from communities of color, particularly impoverished communities of color, know this stuff interestingly enough. People who come from privileged communities, white middle class, suburban communities tend to have an outlook, often don’t know about the complexities or believe that it’s not true. The first time I actually started thinking about was the mid 1990s. I was doing interviews in a neighborhood in Tallahassee Florida, where it had high rates of people cycling in and coming back and forth from a neighborhood. We interviewed about one hundred people who live in that African American neighborhood with plenty of middle class people, the president of the Urban League, the minister of the largest black church in Tallahassee, every single person we talked had a relative who had been in prison with the last five years. And one of the dominant things that we heard from these people was that this should not be allowed to happen in this world. They totally get all of these effects and they get that the reasoning that it happens is that if they are black. And at the rate that these things were going on, generally it would be stopped. Which is one of the ironies here, so you see with the opioids and methamphetamines, which have been more likely, right, drug addiction, these things get defined as addiction. And these crimes get defined as public health problems and what you see now, right, the problem is that prison doesn’t solve crime problems. But with African Americans, heroin and crack cocaine – prison was the only solution here. But now that it’s methamphetamines, and heroin particularly living in rural and semi-urban areas, you can’t fight addiction through prisons. The racist foundation of this is extremely clear for everybody. And people of color who have lived in these neighborhoods have known that the whole time. And people who don’t live in those neighborhoods didn’t know it because they were essentially the beneficiaries. So, I’ve been in this business for over 40 years and in the last 10 years the public conversation about this has been changing. And it is changing very quickly. So, you have prosecutors now running for office on platforms that they’re not going to be sending people to prison, now you have a religions pastors in fundamentalist of right-wing churches arguing for redemption for people going to prison. But the conversation has changed. You can’t find a ‘Get Tough on Crime’ headline in the newspaper anymore, headlines in newspapers are now too many people in prison. Twenty years ago, the chances that I would have had a journalism student wanting to interview me with the questions you have, there’s much more likely chances that we still have parole, there’s quite a bit of people on parole. So, the dominant conversation here is really changing.”

MM: “Yes, I think it’s very interesting how perceptions can vary based on neighborhoods and just throughout time as well. Going forward, I have another question too and this one kind of transfers over to the privatization industry and that question is, in your opinion has the



privatization industry contributed or control the prison population? How has it affected it and why?"

TC: "So, this is I think, a complicated question and the answers aren't as clear and obvious as the first two questions. So, about 15% of the prison population in private for-profit prison. On the other hand, many of the contracts that there are that are used to pay for these facilities, have stipulations and require minimum number of people to be placed in them by the state. And so, what you have with the private prison industry is a lobby group that has its own financial interest on maintaining a large prison population. So, for example 15 years ago there were serious proposals in the Arizona state legislature to privatize the entire system. And they didn't pass, they did a lot of lobbying. One of the reasons they didn't pass, is I think the realization is on the part that it even advocates that you're creating an industry it is dependent on large prison population, that's bad public policy. So, I think the contribution of the private sector to this is overblown. There are people who are making money off of the prison system. That's always been true. That's always been true in many industries. Private farmers hired out convict labor to pick cotton at almost slave wages. So yeah so just a mirror the mirror existence of this private sector incentives is not that big of a change. And the 15% is not that big. So, I think often the private sector side of this is overblown in terms of its actual impact. On the other hand, the symbolism of it and the fact that so many people get bothered by this symbolism of it is pretty significant. Yeah you know this is, people don't think you should make money off of this, the private investors shouldn't make money off of people going to prison. And it just doesn't feel right. On the other hand, is always been true for example when you build a prison that's a private contractor who builds it. So, it's kind of a hypocrisy to worry about private investor side. It has happened for a long time. On other hand, to me, the private prisons themselves are just not as big of an issue."

MM: "Yeah, interesting, totally. OK and then um yeah, any final points on that or can I move on to the next question?"

TC: "Yeah, I think that's fine."

MM: "OK so how has mass incarceration become such an issue in society today? We kind of touched on this, but from a historical standpoint, where are we at now in regard to prior decades. Please shed some insight into incarceration trends overtime."

TC: "So the prison system, the number of people being nationally every year between 1972 and 2009, so that's 37-year constituent growth period and that has not been true anywhere in the known world at any other time in history in any other society. So, the unique American prison experiment, which started in the early 70s and went into the early 2000s, to the end of the decade, is a unique human intervention. We went from 200,000 people locked up in 1972 to about 1.6 million people locked up in 2009. That's about an eight-fold increase in the number and it's about a five-fold increase in the rates. We went from about 100 people per 100,000 locked solitude to about five hundred and five thousand thousand in 2009. It can actually be divided into three rough years. In the first decade or so most of the growth is related to the number of people being caught for crimes. So, the prison system for the first 10 years or so grew, but it grew at the same rate as the felony apprehension rate nationally. The likelihood of getting

convicted of a crime, having been crossed for a felony stayed the same for 10 years, even though more people will be incarcerated. Crime has actually been going up, it has been going up for more than a decade earlier, the arrests, the number of apprehensions. In the middle, in the middle period there was initially a series of legal reforms designed to restrict availability information, so mandatory prison sentencing occurred. So, we made prison sentence less available, but we are catching a lot more people, so the number of people information was also growing at that time that prison populations were growing, and probation and parole populations were growing. In the second half of that middle period we started stacking on center, we started having recidivism sentences passing so a second felony instead of getting you another five years got you ten years or twenty years or twenty-five years. And there was a real explosion in statutes allowing life sentences with tool licenses without parole and so, what happened we really increase the number of people we really increased the rate at which people were going to prison. In the second half of which had been staying prison a longer period of time. Starting in 2000, um, the economy started dropping in the early 1999 around nineteen ninety-one. Economy has been dropping roughly speaking consistently since that time period population didn't start dropping until 20 years later. And why is that you may ask? Because we artificially inflated the number of people in prison because we sent more people there and had them stay longer, my original point. That's why that sounds like an obvious point, but it is yes if you ever forget it you will never figure this out. You have to always, always remember but the prison population is produced how many people you send there and how long they stay there.”

MM: “Exactly.”

TC: “Between 2/3 between 1991 and 2010, we still have roughly speaking the same prison population because you're still sending. You're just sending everybody to prison and you're making them stay longer, and all bunch of people in prison are not getting out. People that have gotten out, might have gotten out because they were serving 10, 20-year sentences. They weren't serving life sentences nor were they permanent members of the prison population. So, what happened in the middle period was, we created these foundational truths that there was going to be a large prison population no matter what happened with crime. And that's what we've been experienced. We've now seen for about a decade, about a of 1% or 2% drop in the prison population. Its very encouraging for those of us like myself, they want to see an end to mass incarceration. But there's a very, very slow decline. So much slower than the climbing rate probably for example.

MM: “Mhm.”

TC: “And it is so slow that in order to cut the incarceration rate in half at this rate of reduction, reduction will take us seventy-five years. So, it's not a big thing to ride home because we're certainly not looking at the solutions to the problem. And there's a lot of conversation right now about how to manage prison population(s) but no there's no public will to take enormous steps. Although, talking about national data there are actually fifty different policies in the United States and each state has a different story. So, you have states like New Jersey for example where the prison population has dropped by 40% already from its peak. And then you have states until recently, like Montana where the prison population is still growing. There are also states

where the prison population is still growing and increasing. Illinois has dropped by a third. So, you've got all these different stories on here."

MM: "We have touched on this a couple of times but why do you believe that the United States has allowed this issue to become so prevalent? Do you think our nation believes our only answer to the problem is criminalization? UM in terms of like drug offenses and anything like do you think that that's kind of the answer to all the problems as far as crime and are like as far as what our nation thinks?"

TC" So the first half of the question, let me say that I think you cannot answer that question without taking account of race. So, the Willie Horton story in the first election was a race issue. Richard Nixon law and order were a race issue. It was a really and there's just tons of scholarship on this out there, and anyone who wants to try to say that growth of the prison system in the United States in the 70s, 80s and 90s was some kind of intentional policy to avoid racist content is simply lying to your teeth. Now, it was intentional policy, we intentionally grew the prison system, we knew we were doing it at the time, we also knew it was affecting people of color more than others. And this is particularly true in the area of drug laws. So, to the answer to the first part of the question, I think there was racial politics which was fueled by more protests in the street that was escorted by politicians. The second half of your question is interesting in the sense that I don't think criminalization is a big issue. So, for example, before the big growth in prison system, it was illegal to use marijuana. Before the big growth in the prison system, it was illegal to use heroin, it was illegal to sell it, it was illegal to sell to minors. So, the idea of making a thing a crime, these things are all crime. What happened is that we grew the punishment of apparatus information. And so, we see now, we are at the early stages, we will learn where we are, I mean in 10 years from now, we will better understand what we are doing. In the United States, we have 1.4 million people in prison, maybe there might be 50 or so people in there that may be in there for marijuana. So, decriminalization with marijuana has nothing to do with this issue. Now, decriminalization of all drugs would. But so far it doesn't. But people aren't going to prison for drugs. In the middle of the eighties, about half the prison population was serving time for drug use and about 2/3 to 3/4 of those going to prison, would go in and serve short sentences and go out. Now, they're not going to prison for drug offenses. The prison population is, now less than 20% for those people sentenced for drugs. So, the decriminalization really has to do with a national repositioning of very long sentences. No one's really thinking It about people that are serving their sentences but for their rethinking it about people who are coming before them now.

MM: "Definitely, yeah very interesting insights there. Just kind of going forward, I have one final question for you and that kind of regards solutions, and how you personally would manage the prison population. In your opinion, where can go from here in terms of incarceration?"

TC: So, I'm going to get really radical and I think first of all, the first thing is to set a goal for the incarceration rate and cutting it by two-thirds is going to be very tough to do. Second thing, that we all know, locking people up into their fifties, certainly into their sixties, has no public health benefit. Many, many countries recognize this, and they make release available to people once they reach fifty, fifty-five. The third thing, we have made staying out of prison very, very difficult.

MM: "Right."

TC: "So, for example in New Jersey, New Jersey people who are released from prison for violent crime in New Jersey, about 60% of them are arrested within the next few years. That sounds like an awful thing, really terrible thing. But thirty percent of them go back to prison. In other words, people are arrested for bullsh\*\*\*. We watch people arrest them and keep them locked up for nothing. A ding for this, a ding for that. They get harassed by the criminal justice system."

MM: "Totally, one-hundred percent."

TC: "We are making arrests that we do not take seriously enough, and we send people back to prison for. So, the point here is that we need to stop doing that. We need to say that just because you failed to abide by the rules, you are not going to go back to prison. We're not going to change the level of surveillance applied to you in comparison to anyone else. And that means an anti-parole supervision as we know it, then that's the case. Parole could be different, it is different in other places, but our parole system in the United States has gone bonkers, and they are their worst enemy. No one should go to prison for failure to comply to conditions in prison, no one should go to prison for a drug related crime, no one should go to prison for property crime. No one should be paying court fees, no one should be paying drug testing fees, no one should be paying programming fees. If we are going to make people do those things, then we should pay for them ourselves. We should be like other countries in which sentences over five years are unusual and sentencing over ten years are rare. For us, sentences under five years – it's not that norm. Sentences ten years and over are common in our business, we ought to stop that. If we did those things and applied them, within a decade we would have the prison population gone."

MM: "Very, very good points there. Awesome, is there anything else you'd like to add that you feel that you didn't get to include in your previous responses?"

TC: "No, I don't know but you can tell I think about this stuff and I talk about it all of the time."

MM: "With someone that's been in this field and, you know, studying this for a long time it's really insightful and intriguing to me... Um so really appreciate your responses in your answers and your energy there. Anyways, thank you so much I really appreciate your time. Thanks so much, goodbye."

## Appendix C

### *Interview Transcripts: Khalil A. Cumberbatch*

The following interview was conducted to get expert opinions from a criminal justice perspective based on a questionnaire about the mass incarceration complex and the privatization industry.

Interviewer: Maile McPherson

Respondent: Chief Strategist (Khalil A. Cumberbatch)

Date of Interview: 5/06/2020

#### *Interview Transcription:*

Maile McPherson: “Hi Doctor Cumberbatch, thank you so much for taking the time to chat with me today, I really appreciate your time and I definitely want to say thank you, before we begin, for doing this and for taking the time out of your busy schedule. First and foremost, I would love for you to give a bit of background regarding what you do, what you have done in regard to mass incarceration and where you’re headed.”

Khalil A. Cumberbatch: I’ve worked for the past ten years in the non-profit sector addressing issues related to the criminal justice system. I’ve worked to pass legislation and policy in NYC and NYS helping to reduce the footprint of our justice system. Alternatives to Incarceration, Fair Chance Act, #CLOSErikers, One Day Matters, and Pretrial reforms, are a few examples of the work I’ve done over the past ten years.”

MM: “Great, thank you for giving us a bit of background on your life experience and your relationship to mass incarceration. So, let’s go ahead and delve into question number one -- that is, how would you, as an expert in your field, describe the mass incarceration complex and how does it affect public health? Please give examples.”

KC: “One quarter of the people incarcerated in the world, are incarcerated right here in the United States. So, you can’t talk about incarceration like it’s this very small and niche conversation to have. It is a mass -- massive problem that is not only a social justice issue but is a public health one, it’s an economic issue, it’s a moral issue for sure. And it’s a justice issue.”

MM: “Totally.”

KC: “So, we have to understand that. In terms of how it impacts public health in others, you know it’s not a one-way street when we talk about mass incarceration’s connections to public health. It’s undoubtedly a two-way street meaning that there are health conditions, physical health, mental, community health conditions that undoubtedly are existent before a person gets involved in the criminal justice system. But there also conditions that get exasperated because of exposure to the criminal justice system. “

MM: “Aha.”

KC: “When you think of high rates of hypertension, high blood pressure, asthma, you name it, the majority of these issues exist amongst communities of color and for various different reasons as I’m sure you know. Because of the physical layout, because of the food structure, because of you know, poor dieting habits, you know, so on and so forth. But when you put someone in jail, you put someone in prison, that person has an underlying medical issue, and undoubtedly jail doesn’t provide the best circumstances for those conditions to be one treated and two to be controlled. And so, you’re talking about lack of adequate healthcare, but you’re also talking about the food, the water, the physical strain of being in a jail or prison can physical weigh on a person and therefore impact the immune system and so on and so forth. So, it is undoubtedly a two-way street and that’s how you have to view it. So, when you look at you know high rates of high blood pressure, stroke, aneurysm, these are highest among incarcerated populations because the simple things like the food. One of the things that many people don’t know or don’t pay much attention to is the fact that when you’re incarcerated, the majority of food that you’re eating is pre-processed and pre-prepared. And so what that means, is that they put a bunch of food in the fridge to make sure their shelf life is much longer, it’s a bunch of stuff that comes out of cans and as you know, canned food is prepared food, pre-processed food is very high in sodium and it’s very easier for someone to develop, simply from eating the food, a high sodium diet that drinking water won’t solve and it’s not the healthiest and jails and prisons. Uh, you know, and the one thing you need to flush sodium out of your body – you need more liquids. So, you know, you can see how this can so easily become a rabbit hole. an its impact by mass incarceration and mass incarceration as a two-way street.”

MM: “Very interesting points. Are you good on question number one or can I go ahead and jump to question two?”

KC: “Yeah, go ahead.”

MM: “So, this question number two kind of relates to the first question in that do you believe that the public is aware on the extent of mass incarceration and the complexity of the issue, why or why not?”

KC: “Yeah, so when we say the public, we have to kind of define that more distinctly. You know when you talk about communities that are impacted, you talk about largely low-income communities of color. I think that they understand how the criminal justice system preys on people, I think they understand that very clearly, because they see it. I mean I don’t know how connected to social media you are, but right now you can’t look at a timeline without seeing

videos of extreme levels of police brutality being bestowed on people of color all in the name of police enforcing social distancing laws. So, I think people understand that in black and brown communities, police act different, period. And I think people understand that. Now, when you talk about the average kind of Joe and Jane who is far removed from ever being sucked up or impacted by the criminal justice system, largely middle class, upper class white people. Understanding mass incarceration undoubtedly is very different. I think general perception by the average joe and jane is that for jail and prisons are for bad people. Period. Therefore, they get put into jail and prison. And if you chose to do bad things then you can choose to do good things and if you chose to do bad things, then you can choose to do good things. Then you should be able to accept all things that come with that. The sad reality of that is that the criminal justice system operates very much opposite of that. It is designed to be a catch fall for some of the deeply engrained ills of our society. So, if you have a mental illness problem, there's no mental health treatment that is systemic and sustainable. So, what do you do? Your conditions are not understood, empathy is not given to you, sympathy is not given to you. Therefore, you're arrested if you have an outburst on public transportation for example. If you have a substance abuse problem, we've seen that for decades in this country. The fact that you're using drugs, you know, people still very much view that as a choice. I think more and more people are looking at it as an illness that needs treatment and such but for decades, simply for being addicted to a substance or alcohol, or if you've suffered severe trauma in your life, whether that trauma started at age 17 or age 7, it doesn't matter. If you can make crimes that are linked directly or indirectly to your trauma, they're going to lock you up forever. So, I think most people unfortunately don't have that perception. They just see the criminal justice system as being the counterbalance of all of the wrong decisions that people make. But the reality of what we really need to change, we really need to change the perception of not the system itself, because the system will always operate the way that it operates. No one ever said let's change the institution of slavery, the nuts and bolts of how it operates. What we needed to do was to change the perception of people who were impacted, same thing that happened with HIV and AIDS, same thing that happened with substance abuse, mental illness, so we have to change the perception of who we're talking about. Meaning, we have to understand that on any given day, there's 2.3 million men, women, children, fathers, children, cousins, uncles, aunts, that's a different conversation. Because now we can't just write off 2.3 million people as being bad, we have to understand that's a human being that we're talking about, and our system that we trust to dull out fairness and justice, is actually not doing that. It's actually doing the opposite. And that's before we get into logistics, that's before we look at the racial disparities, the way that drugs are treated in the system. Before we talk about any of that, we have to talk about how do we change this perception? One of the ways to do this, and I hope you find a way to implement this into your writing and particularly this project is to use human senses language. Even if that's saying men incarcerated women incarcerated, children incarcerated – that is still a way for us to remember that we're talking about human beings. And the moment that we lose sight of that, it then becomes easy (as history has shown us), to do the most dehumanizing things to those people.”

MM: “I totally agree with that, and I agree in the sense that we need to continue to talk about these topics in a manner that places emphasis on human life. Anything else on the topic of public perceptions?”

KC: “No, I think I'm good on that topic!”

MM: “OK, so the next question has to do with the privatization industry. In your opinion, has the privatization industry contributed or controlled the prison population?”

KC: “The criminal justice system at large is undoubtedly, dis-morally – I mean, you don’t, I know, I don’t want to be in the business where I traded in the commodity of human beings in the business, like I wouldn’t want that. You have to kind of be a vindictive, malicious, evil person at your core to really even be able to write that off. So, like privatization and private prisons in particular, are undoubtedly bad. The thing with private prisons is that it really represents a slow percentage of overall, kind of bloated criminal justice system. Last year, last time, I checked that number floated around three to seven percent, meaning that most of the country, most places are owned and operated largely by public servants, people who are employed by a local jurisdiction, by the state, to maintain and to employ prisons and jails. So, it’s not that the private prison companies are controlling much. If you left it up to them, they undoubtedly want to control it all. But when you’re talking about an approximate tag of about eighty billion dollars a year, three to seven percent represent hundreds of millions of dollars. So, it’s not a small piece, although the piece of the overall pie is small, it’s not a small piece. Like you’re talking about hundreds of millions of dollars over the course of the years, people undoubtedly make hundreds and billions of dollars off this. Now, with privatization in the criminal justice system undoubtedly plays a very engrained role in that is where costs of phone calls come in, commissary items, now, the telecommunications or the telo-videoing is a huge thing. The ability to get tablets into jail or a prison are largely owned by a private company. The electronic monitoring industry is booming because people now understand that the physical ramifications of incarcerating so many people – so people are asking what do you do if we can physically suck people into the system but not actually have them in a jail or prison? Well, that’s the electronic monitor. And, you know, that entire industry, the reality of people making money off of that is the private sector. So, I would say that the privatization of the criminal justice system, at large, at its core, is making money off of a huge social justice issue is insane. And if we could be met with a level of public outcry, that we just don’t see, because people say it’s all in the name of keeping bad people away from us. Right? Some people would hear that 80 billion price tag and say if it was up to me, I’d spend a hundred billion dollars because it’s all about protecting the good people from the bad people. And so, the other place I’ll say that with privatization really hits hard is in immigration detention centers. The first contract that privatized company was not for a jail or prison, it was for immigration detention facilities. So, that 2.3 million numbers, includes 100 or thousand so people, so we’re talking about a good chunk of people who are being held in largely privatized prison are largely ran by privatized companies. And you know, the conditions in there are horrendous. So, we have to eliminate the possibility that any company can make a hundred of billions and billions of dollars off of mass incarceration. But if we change the perception of who we’re talking about, the outcry would come immediately. So one example of this, it was a couple of years, the medication, the EpiPen, largely, there was a generic brand that was able to be sold at a fraction of the current cost and then, the company that owned the drug, whatever agreement they had with the medical industry that expired, the next thing you know is that the price in an EpiPen went up to six hundred, seven hundred dollars. And EpiPen’s as you know, are for someone who is having an allergic reaction, a life or death situation quite literally. And the outcry for that was tremendous. To the point, where the company that owned the drug had to bulk to some extent. It’s still a ridiculous amount but it’s not what they wanted it to be. And



that's because we understood that, how the hell are you going to charge someone who has an allergy?

MM: Totally.

KC: "That's not someone you want to punish, why would you punish them for having an allergy, and an allergy that could quite possibly kill you by the way? Right, and so we understood that we're talking about human-beings, men, and women and children, why would you want to do that to them? And so, we have to have the same level of sympathy and empathy for the people in the criminal justice system because until we get there, we'll continue to have things like privatization and even though it exists as a small part, the reality is that it still exists. We offer this false narrative that everyone in the jail or prison is a bad person."

MM: "Yeah, that's kind of where it all starts, thanks. Good example of how that can relate to criminalization. I liked that example a lot. Ready to move on to question number four?"

KC: "Sure."

MM: "Great, so how has mass incarceration become such an issue in society today? From a historical standpoint, where are we at now in regard to prior decades? Please shed some light into incarceration trends over time."

KC: "Well you know mass incarceration is really quite honestly a new phenomenon, you know this country has never had a mass incarceration issue. You know, this country has never had 2.3 million people in a jail or prison cell at any given time. Many people in retrospect, look back and have tried to identify a particular point in where this country exploded into what we now call the prison industrial complex and undoubtedly, I think everyone agrees that it all ties back to the omnibus bill that was passed under the Clinton administration. Ironically, we have the presumptive democratic nominee, who not only authored it, but the one who championed it and said some of the most racists and demagog-ish (if that's the word), things on the second floor in this country's history – including things that were referring to people as predators, super predators and spreading a false narrative. So, the 1994 omnibus crime bill really changed a lot. And essentially what it did, was incentive states to lock more people up. And how do you incentive states to do that? You give them money. So, you said, here's a bill that's going to expand the amount of prison time that people are going to get, prior to this bill, they wouldn't have served this much time. So how do you get a system that's so bloated? One, is you have to stop people from going out. Two, which means you have to find ways to keep these people in longer. If you make the punishment harsher for particular crimes, whereas before you would've gotten six to seven years and now, you're getting twenty-five to life and you have to serve twenty-five years for that, that's one way to bloat the system. Another way is, you increase the dragnet, right now, we're going to give the states and the states are going to give the locality money to ramp up police activity. So not only do we see heavy militarization of police departments across the country, but what do you do when you have heavy artillery and you have heavy vests and you have the implantation of the SWAT ideology, what do you do? You have to start locking people up. And, to make it more sweeter of a deal, we're going to give you money to build a prison too. So, you've created the perfect storm to lead to what we currently have now."

TO their credit, there were people at the time who were screaming and yelling that this bill, is going to dramatically explode our prison and jail system. More importantly, it will do nothing to help the underlying issue that people suffer from that all too often, lead them to go to prison and jail.”

MM: “Right.”

KC: “Meaning, substance abuse, mental health issues, homelessness, trans, all of that, there’s no money in the bill to actually provide hope for that. And what do we see? In the next ten years, we see a dramatic jump from where we were in 1990 and if you look at what our numbers were in 2000, a dramatic difference. Fast forward to 2003, I believe, is when we actually hit the 2 million mark. And now we have what we have, which is a prison industrial complex which is a system that is so massive and so wide that it is, that it’s hard to dismantle, and there’s so much reliant on this massive problem, that it would actually be in many people’s best interest to keep the system propped up as opposed to completely dismantling it. Now, ironically, I will say, that Joe Biden, again, the irony of all this, he just most recently released what his criminal justice platform will be, at the crux of it, what he’s saying is that there should be the passing of a federal bill that has been in existence for maybe the past four, five years. And essentially what the bill will do is the bill will help to incentivize the dismantling of criminal justice systems on the state level. Meaning, the same thing they did to ramp up the system, the same thing they’re going to do to take it down. Incentive states and states will incentivize localities to use alternatives to incarceration, to use different methods to just lock people up for the simplest things. So that’s the total irony of it, where we are in the time where we’ve seen someone be the strongest champion of a bill that completely ravaged people across this country to now be the one to be the savior. Which is, which is the ultimate irony. If you look at this country’s history, it’s completely related and filled with irony. And the first thing I’ll say is we can’t talk about mass incarceration without completely understanding how the perception of black and brown skin is one that has been trained for many of us to see a threat. Meaning that, you know, I’m not talking about racism – racism is undoubtedly a symptom of seeing black and brown skin as a threat, but at its core, racism doesn’t reflect the fear that people have been taught in this country when they see black and brown skin, particularly when they see black and brown men. And I’ll give you an example, when you think of the term ‘criminal’ and you think of that, and you don’t put on your criminal justice lens, and you don’t put on your ethical lens, if you just heard of that term and your knee-jerk reaction, who do you see? Like what kind of person do you see? What’s their gender, what’s their age, how are they dressing, what’s the kind of music they listen to? What do they look like physically? And if contrast that to the term victim, again, without all of the, you know, politically correct things to think and say, what do you think of what’s their gender, what’s their make-up? And I would say largely, most people, if you do this experiment on them, and they’re honest with themselves, they’re going to say ‘criminal’, a man, a young man, generally a person a color (if not a black man), and I think the crime they’re doing is one of physical violence. Not for example, writing bad checks. If you think of the term victim, you think of largely, a white woman. And you think of her as being the victim of not identity theft, but you think of her of being the victim of a violent act as well. And that is something that has been ingrained in this country for centuries, this notion that black men in particular are dangers. And that is at the crux of what this is all about, so we can’t talk about mass incarceration without understanding that we’ve been trained for centuries to look at black and brown men as a threat.”

MM: “Right, definitely. That’s a really important point and that kind of leads me into my next question, and that is why do you believe that the United States has allowed this issue to become so prevalent and do you think our nation believes that our answer to any problem, whether that’s substance abuse or mental health issues, is criminalization? What are your thoughts on that?”

KC: “Yeah, I think that this country’s view on anything different than what they are willing to accept, there is a level of suspicion that is put on them. And it’s not only about crime, if you ask people in this country, what do you think about universal healthcare? Oh, and by the way, it’s not a foreign idea, there are other countries, industrialized countries that have done it and have done it for decades. And people are still raising eyebrows at that. Wait, a minute is that like socialism? Is that like, I don’t understand the notion of how everyone would have access to healthcare, like I just don’t get that. Right, so we’ve been trained to always raise suspicion to things that aren’t quote on quote normal to us. So, when you add on top of that, the fact that someone may have committed a crime, then it becomes even easier to say that that person’s act was criminal, and they should be punished to the furthest extent. And when you think of violent acts, of course you think of what would be classified as the most violent act, which would be to take someone’s life. I’ll give you an example of one case of how once the perception had change, it’s kind of, in retrospect, the outcome of this person’s case was viewed as something that was inhumane. I’m talking about Cyntoia Brown’s case. You know she, if you’re not familiar with her case, she was a teenage girl who murdered a man in his own home, who, by her accounts solicited her for sex for pay, for money. She, from the very beginning admitted to shooting the man, she said he had been displayed to commit suspicious acts. Now at the time that that crime happened, she was viewed as murderer, someone so that they didn’t pursue her case in juvenile court, they pursued it in adult court. The fact that she’s in Tennessee didn’t help because their view on violent acts, whether you’re young or not, wasn’t about punishment, it was about how much you were going to get. But fast forward, ten, twelve years later. She’s no longer viewed as violent criminal; she’s viewed as a victim. She’s a child, she’s a victim of child sex trafficking. And that’s because there had been so much advocacy done about that issue, there was a raise of attention that some people were dragged into this life whether they wanted it or not. Here was a girl who fit that criteria, why the hell is she serving a life sentence? Guess, what happened? Governor heard, he listened, paid attention to all the pressure and gave her clemency right before he left office. So, we can’t talk about the notion of criminalization without understanding how we have been trained to view what’s actually criminal or not. And add to that the fact that as a country, even if she tried to fight it off every day, it’s shown to us innately, it’s shown to us consciously or subconsciously that things we don’t understand, that don’t fit our norm, are suspicious. And so, we have to understand that there is a level of un-training that has to happen that is a much bigger conversation than criminal justice.”

MM: “Good point. Our minds have definitely been trained to think some things, so it’s definitely a matter of having to un-train ourselves in certain contexts. There’s definitely a bigger picture in that context and in relation to mass incarceration. In your eyes, how can we manage the prison population and where can we go from here?”

KC: “Yeah, I mean, from a very practical level, we do need to support federal legislation that helps to incentivize the reversing of mass incarceration. That’s just on a very practical level,

that's just the quantifiable thing that needs to happen, is we need to pass that bill, for sure. And if we did that in 10 years, then we wouldn't have mass incarceration. Instead, states would be fighting over the tough title of having the least incarcerated people, like they'd be stumbling over people to get to that number, of the least incarcerated people. Because where the money goes, that's where the priority goes. In terms of a much broader conversation, we really need to grapple with many of the deeply rooted issues that this country has with race and that this country has with gender, with the way that a person displays their sexuality. Like, we have to get to a point where we in this country, quite honestly say 'Live and let live.' Now, that doesn't mean you walk into any bank and rob any bank that you want to, nobody's saying that. Nobody's saying to do bad things to people, but what is the need that we have for the constant search to otherwise someone, whether they're Muslim, whether it's someone that identifies as LGBTQ, whether it's a democrat or republican, whether it's someone who is older or younger, there's always something that as a society, we always feel the need to point at someone and say, 'You're less than just because you're that.' And that is a much deeper conversation, that needs to happen. And it will undoubtedly lead back to the beginning of this country, a few years ago I was listening to someone being interviewed. They said something to me that really resonated with me. They said "Look, if you broke into someone's house, and then stole that house from them, and you used violence to do that, and you tried to eradicate them in that process, and that was the beginning of how you took ownership of that house, then you'd always be paranoid. You would always be worried that someone would do this to do you or that the people that you did it to would come back and do it to you. And that's the beginning of this country, that's how this country was founded on. This country was founded on violence and blood. And therefore, if we don't address that, if we don't get to the core of that, and grapple with, and accept that the people before us made some seriously f\*\*\*\*\*d up decisions, then to some extent, some systems in this country are still propped up upon and if you don't attach some level of feeling to that, and that's before we even talk about reparations, then we're never going to get past it. And if you look at Germany, I'm not saying Germany's like the best country ever, but as it relates to the Holocaust, they have done things that this country would never do, never do. Like open monuments that we as a state agreed with some of the shit that our leaders were doing, period. And that was wrong, and we will make sure all future generations never, ever, ever forget that. Can you imagine what this country would look like if we did that for slavery? If we said, look, we're not going to sugarcoat this sh\*\*. We're not going to tell you the clean-cut version, and all the nice people, we're going to tell you the hardcore sh\*\*. To show you that there were some seriously f\*\*\*\*\*d things that happened in this country. Because we don't want it to get repeated, that's why. And because we refuse to do that, you just see a ton of ignorance, that's not only around slavery, but is just around in general."

MM: "Yeah."

KC: "So, that's on, I guess more of 150,000 feet in the air scenario. Because we do really need to talk about issues that are way past criminal justice and are at the root of this country's history, to be honest with you."

MM: "It roots way back; I totally agree with that. Wow, very thought-provoking message and thoughts there. It roots way back in history, for sure."

KC: “if you really want to do a quick scan of a book that talks about how we as a country have been trained over centuries to look at black and brown skin as a threat, it starts from the very beginning and leads all the way up to Trayvon Martin. How can a man look at a child and feel physically threatened? And the crux of this book is to say that it wasn’t about Trayvon. Trayvon’s case and scenario was the bubbling up of stuff that was already brewing. And he lays it out in this book, it’s not a book that’s a light read, I will say that, it is a book undoubtedly to be studied and read multiple times, it’s called *The Condemnation of Blackness*. It will undoubtedly help you understand what pillars are holding up the criminal justice system.”

MM: “Very informative, I’ll have to check it out, thank you. Do you have any final points or anything else? A lot of really great thoughtful and informative information and things to think about.”

KC: “No, no just we touched on a major thing that the perception needs to change. And the last thing that I would add is that we do have the ability to end mass incarceration. As a country, we have that ability, and in this global pandemic, we’ve seen it. We’ve seen jail populations drop to historic lows; we’ve seen governors do things around criminal justice that they’ve never done. So, we can do it, if it becomes politically correct to do it. And the only way it will become politically correct is if the people create the space for politicians to exercise political capital. Because politicians are the ones that have the least pension for risk and the only way, they’re going to do it is if it becomes politically correct, right? And all of the sudden now, it becomes politically correct for governors to say I’m going to protect everyone in this state that I’ve been entrusted to protect including those who are incarcerated. This pandemic has undoubtedly ravished countries, and ours for sure. But there are some silver linings that we will be able to walk away from that people have done around criminal justice, that we’re going to be able to point to. You can’t say it’s impossible because you did it.”

MM: “Yep, I agree that we need to ensure these politicians have the chance and the space to make these decisions for the people. Really appreciate all your insights and your valuable intuition.”