

The United States' Prison System

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Abstract

The topic for my research paper is the injustice within The United States of America's prison system. I chose this topic, because I have always felt very passionate and interested in the blatant malfeasance many face within the justice system. There is a clear implicit bias within the justice system and in this paper I further investigate potential reasons behind it. I have approached this topic by using evidence and quotes from academic journals that support the thesis and are relevant to the argument. I mainly go into depth about how the justice system, in the past and present, consistently fails minorities. It is evident by looking at certain times in history and processes, regarding the criminalization of students, like the war on drugs and the school-to-prison pipeline, the cards are stacked up against people of color when it comes to the United States' justice system. I also go into detail about how the prison system is not working, in general which can be seen by high recidivism rates, since it emphasizes punishment over rehabilitation and I offer some alternative solutions to this issue. Additionally, I compare the United States' prison system to its European counterparts' systems and identify what the major key differences are between the two.

Target Journal

- *The Racial Oppression in America's Mass Incarceration*, published by San Jose State University

Introduction

Within the United States justice system, there is a noticeable amount of inequity and impropriety present. The United States prison system disproportionately affects people of color which may be partially due to the deeply embedded implicit bias the justice system encompasses. The United States justice system is filled with blatant malfeasance, due to the historical roots of injustice ingrained in the system, the prison to school pipeline, and the fact that the prison system is focused more on punishment than rehabilitation which in turn increases the recidivism rates.

The War on Drugs

The history of racial injustice within the United States runs deep. The United States justice system unfairly affects people of color, due to the implicit bias that is deep seated in the system. A prime example of this is the War on Drugs era and policies set into motion by former presidents Richard Nixon and Ronald Reagan. The war on drugs era was a politically-motivated and racist crusade against Black people. These policies heavily associated African Americans with drug use and caused them to receive harsher sentences, despite the fact that there was a five to one ratio of white people using drugs, compared to Black people at the time (Warde 2013). This shows that African American were severely targeted by the drug policies set in place, although they did not make up the majority of the population using drugs. One of the main policies that was designed to antagonize and incarcerate Black people was the difference between the quantity of powder cocaine and crack-cocaine that would result in jail time; five-hundred grams of powder cocaine and five grams of crack-cocaine would both result in the same sentence, five years (Mauer 2011). This policy was intentionally and strategically put into place, since Black people were the majority users of crack-cocaine and white people were the majority

users of powder crack (Mauer 2011). It is evident that the policy was made to criminalize African Americans, since chemically both forms of cocaine are the same, therefore being in possession of either form should have resulted in the same consequences. Because of these biased policies, African American's drug arrest rate rose from twenty-one to thirty-six percent (Mauer 2011). Ostensibly, the policies set in place during the war on drugs era deliberately targeted African Americans and incarcerated them more, due to the more selective conditions placed on drugs that were more commonly used in the Black community.

The School-to-Prison Pipeline

The school to prison pipeline is a way of labeling students, who are less fortunate, due to their underprivileged backgrounds, as more likely to be incarcerated in the future. This arises from schools' zero tolerance policies and harsh disciplinary practices that often target African American students, as well as other minorities (Schept, Wall, and Brisman 2014). Harsh, zero-tolerance policies are very damaging to the kids and create a harmful mentality (Simmons 2009). Creating a culture of reprimanding students, rather than supporting and nurturing them, creates a toxic culture. "Evidence of targeting school age children to direct them to juvenile detention, termed school-to-prison pipeline refers to a national trend in which school policies and practices are increasingly resulting in criminalizing students, rather than educating them (American Civil Liberties Union [ACLU] School to Prison Fact Sheet, 2008)" (Thomas 2013). At a young age, if children are taught that their actions will only cause them to get into serious trouble at school, such as suspension and expulsion, then it will create a negative mindset that perpetuates the idea that punishment should be emphasized over fully understanding why one's actions are wrong and why it is important to avoid partaking in the action again. The school-to-prison pipeline

system is a major issue for many disadvantaged kids, but especially disadvantaged minorities. African American students are often targeted at school, by this system set in place, and tend to get in more trouble for less serious offenses than a white person. For instance, African Americans and kids with special needs, in Texas are three and a half times more likely to receive an in-school suspension, six times more probable to get an at-home-suspension, and are more inclined to be expelled by three times the amount of other students (Fowler 2011). It is clear that African American students are given discipline with more force than white students. This quote is describing the indiscrepancies in Texas, a state where African Americans make up a small percentage of the population, compared to white people. This shows that although African Americans make up less of the population, they are the race that is punished at school the most. This disproportionality clearly shows that there is bias against the African American students, since the minority of the population should not logically make up the majority of offenses at school. It is evident that by creating a zero tolerance policy that is more focused on reprimanding students, rather than teaching them why their actions may be wrong is a direct link to the United States prison system.

Results of Punishing Offenders

The fact that the United States prison system is focused more on punishing criminals, rather than rehabilitating them is the main reason why recidivism rates are not decreasing. Just like the school-to-prison pipeline, the prison system pushes for harsh punishments, in the form of long sentences, rather than attempting to help those who have wronged understand why their actions were immoral and prevent them from doing it again, which is also known as rehabilitation. This system and method set in place is not very effective, since the United States

prison system has the highest incarceration rate in the world and the recidivism rate have been around forty percent for the last twenty years, with the majority of these inmates being minorities (Subramaniam and Shames 2014). It is clear that a change needs to occur for the United States prison system to be more effective and decrease the prison population. The United States makes up twenty-five percent of the world's prison population. This is disproportionate to the percent of population the United States takes up of the world, about five percent (Sorrentino 2018). It is clear that the system set in place is not working and not giving enough incentive or education for people and inmates to stay on the straight and narrow, since The United States' population and recidivism rates are so high.

Solutions: Alternative Approaches

An approach that has proven to be a more effective alternative is exemplified by the Dutch and German prison systems. The main principles their systems revolve around are liberty and human rights. The reason for this is they believe that taking away one's liberty is a form of punishment, and the prison system is more productive when being centered around rehabilitation. (Shames and Subramanian 2014). Germany and the Netherlands fiercely protects prisoners' rights through their constitutional and various laws, and creates an environment that will equip prisoners, when they are released back into society. They allow prisoners to maintain privacy, through locking and closing their doors and requiring guards to knock (Shames and Subramanian 2014). The countries also allow prisoners to choose their own outfits, make their own food, and vote when they are released. Inmates are also required to work, but they are paid a living wage, as opposed to The United States paying inmates an average of ninety-two cents an hour (Shames and Subramanian 2014). All of these conditions, which are conditions that the majority of

inmates in the United States lack, have contributed to Germany and the Netherlands having two of the lowest rates of crime rates, worldwide. The rigid sentences for petty crimes and terrible conditions of The United States' prisons cause a counterintuitive system, as opposed to the Dutch and German approach. To better the prison systems, The United States can reduce maximum and minimum sentences, so that they are more representative of the crime committed (Austin, Eisen, Cullen, Frank, Chettiar, and Brooks 2016). They should also allow judges to create another option, rather than jail for those who committed petty crimes, depending on each case (Austin, Eisen, Cullen, Frank, Chettiar, and Brooks 2016). Additionally, they should allow inmates to maintain their liberty and have more control over their lives in prison, in order to create a sense of normalcy and prepare them for the outside world (Shames and Subramanian 2014). Lastly, another method that the European Union utilizes is supporting former prisoners as they transition back into society by helping them get a job and providing schooling, in order to reduce recidivism (Langelid 1999). This is another tactic that the United States would benefit from using. It is apparent that The United States' prison system is not effective in lowering recidivism rates and the population rate in general, due to the lack of emphasis put on restoration.

Conclusion

In conclusion, it is evident that the United States prison system has an inherent bias against people of color, due to historical and deep-rooted racism, the school-to-prison pipeline, and the fact that the prison system values punishment over the rehabilitation of current and past inmates. The policies that have been made to criminalize and target minorities point to a deeper issue, regarding the bias the system has towards certain races. Additionally, the school-to-prison pipeline shows another way that the system has targeted underprivileged minorities by providing

them with harsher punishments for smaller offenses, than white people. Lastly, due to the emphasis the prison system has placed on punishment and penalty, rather than rehabilitation and improvement in one's choices, recidivism rates do not decrease. Because of these three main issues, disadvantaged minorities, since they were children, have been stuck in the same cycle of having the system and the cards stacked up against them. They have been targeted by policies, such as the "war against drugs", and by their own schools, due to the zero-tolerance policies implemented, and when they go to prison, rather than being helped and recovering, they get beat down and chastened again by a system that does not care about them. They are stuck in a never ending cycle.

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