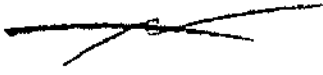


NATIONAL CRIMINAL JUSTICE COMMISSION

TOWARD A VISION FOR JUSTICE



HOW DID WE GET HERE?

This section contains six short synopses intended to allow the reader to travel quickly through the various phases of the criminal justice system in order to gain a clearer picture of where we stand today. The first synopsis, by **Professor John McKnight** of Northwestern, situates the criminal justice system in the larger context of a breakdown of society's caregiving institutions. The work of Professor McKnight is important for at least two reasons. First, it provides a sense of the limitations of the criminal justice system in fixing social problems. Second, it advocates a nontraditional approach to rebuilding urban communities that relies primarily on indigenous institutions (like churches and block associations) rather than professional social service agencies.

The second synopsis, by **Professor Larry Sherman** of the University of Maryland, discusses some of the leading issues relating to police practices. He encourages the reader to look beneath slogans like "community policing" to examine actual content and execution. It is followed by the synopsis on prosecutorial discretion by **Professor William Chambliss** of George Washington University, a section on probation and parole by **Harold Wooten**, a senior official in the office of the United States Courts, and a synopsis on prison conditions by **Professor Herman Schwartz** of American University. The synopsis by Professor Schwartz is followed by excerpts from a report by the international human rights group **American Watch** on conditions in American prisons. We close this section with a summary of research suggesting a close relationship between family violence and later criminal behavior, written by commission member **Sarah Buel**.

NATIONAL CRIMINAL JUSTICE COMMISSION

TOWARD A VISION FOR JUSTICE

RETHINKING OUR NATIONAL INCARCERATION POLICY

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The most significant function of the criminal justice system is to compensate for the limits and failures of society's other major systems. That compensation could result in deterrence, removal or reformation. However, none of these results reform the other systems. Indeed, they may actually deter reform by removing from sight and mind those who are the products or victims of failed economic, political or social systems.

From this perspective, the fact that the United States now incarcerates more people per capita than any other modernized society can be understood less as a failure of the compensatory criminal justice system than an indicator of the failure or limits of our society's productive institutions.

In the last century, we have created four great public systems to insure a productive society. They were designed to provide education, support, housing and job training for all Americans, with special provisions for the most vulnerable or disadvantaged. These systems are our public schools, the program of welfare benefits, the public housing and the various job training and employment systems.

In general, these systems have served effectively to benefit many Americans. However, to the degree that they were especially intended to create a safety net to keep those least advantaged within the productive boundaries of society, they have lost their effectiveness. Indeed, they have increasingly created effects that are the opposite of their intentions. So it is that, in low income areas, the schools, welfare system, housing projects and jobs programs seem to create a web of hopelessness rather than a safety net.

As these great public systems have lost their productive power, the society has responded to people

caught in their web with a commitment to more and more human services to fix the lives of those damaged by the failing systems. The rapid growth of the human services has created a large new system in low income areas. However, this system has nowhere reversed the decline of low-income neighborhoods. It has not fixed enough lives to make neighborhoods productive, nor has it fixed the failing primary public systems that caused its growth. It has, instead, created another system that is now widely understood to be a part of the web of hopelessness.

It is the people, caught in this web of counterproductive systems, who must seek survival in the hopeless spaces available. They react in many ways, as we would. They strike out in anger, as some of us would. They create productive, Phoenix-like new ventures and initiatives, as some of us would. They despair and retreat into addictions, as some of us would.

They are normal people in an abnormal world, surrounded by expensive, costly, helping systems that are the walls that bound their lives. To defy those walls they must live abnormal lives — often productive, sometimes destructive, always creative.

Our radical incarceration rate is one of our uncreative and unproductive responses to normal lives forced into abnormal responses to counterproductive systems.

To understand how we arrived at this paradoxical situation could suggest the policy directions for reform.

Historically, low-income neighborhoods have been sites of struggle and suffering at the margin of society. But there have also been stepping stones to the center

of society. Within the reach of the residents was a way into prosperity rather than the way out to incarceration.

The way in depended upon two *primary* resources — economic opportunity and the strength of local communities. The safety net systems were built under these resources and would have failed had economy and community not been there. However, these two foundation resources began to erode over the last few decades.

The neighborhood economy began to dissolve as industrial systems closed down and moved out. The remaining industry suburbanized and the new system was services — dead end or hi-tech and white collar professional. These systems were not stepping stones, physically or technically, for many people in the lowest income neighborhoods.

In the place of the eroding industrial system, the human service system grew. It provided increasing professional interventions designed to fix and mend those injured in the economic retreat. Although the growing service system was motivated by the best of intentions, it had two unintended side effects with devastating consequences.

First, the service system was actually competing with the primary community problem solving and support structures, i.e., family, relatives, neighbors, block clubs, neighborhood organizations, clubs, associations, churches, ethnic groups, etc. The hidden message of the service system was that paid professionals are the powerful support providers and problem solvers and community groups need not bother. As the local economy eroded, the obvious wealth of the developing service systems made the professional argument even more powerful. A consequence of the claims of the service system was that comprehensive, coordinated neighborhood service centers often replaced the community groups created by local citizens and transformed the citizens into clients. As clients, they understood well-being as the result of services received rather than the product of their creative capacity. The consequence was the growth of client dependence rather than citizen capacity.

The second unintended side effect was the negative economic consequence of the burgeoning human service economy. This system became the principal beneficiary of the government's low-income programs. While neighborhood residents struggled in the face of declining incomes, the remedial low income programs principally benefited the paid

professionals and workers in the service systems — and they were not local residents. As a result, by the 1990s in most cities, over 60% of all low-income program dollars went to service, commodity and housing providers. The remaining dollars provided meager incomes that actually represented legislated poverty.

If we are to restore the stepping stones from low income neighborhoods into the center of society, we must face these facts:

1. The two foundation stones are economy and community.
2. The human service system can never substitute for these two resources.
3. The great public support systems cannot do their work if the primary foundations are eroded.

For policymakers, the alternative to ever-growing incarceration is clear. First, there must be a relentless focus upon initiatives that regenerate income and work. This regeneration will require relocating many resources from unproductive service systems to economy enhancing activities.

Second, there must be a new commitment to enhancing the powers of local associations, churches and neighborhood organizations as the principal agents of support and problem solving.

These two standards commend a review of all public programs testing them against these policy principles:

1. Does the public investment increase the income or the economic opportunity of the person of low income?
2. Does the public investment support the local community and its organizations and associations to do the basic work that needs to be done?

Finally, to act on these principles will require hard choices. We are a society coming to grips with the recognition that our resources are limited. We cannot invest in growing human services and correctional systems while increasing investments in economy and community. Indeed, should we invest evermore in failed service and correctional systems, the economic and community stepping stones to a viable society will vanish under the rising tide of the waters of hopelessness. ■