

HOW HARSH POLICING AND MASS IMPRISONMENT CREATE SECOND-CLASS AMERICAN CITIZENS

by Amy E. Lerman, University of California, Berkeley, and Vesla M. Weaver, Yale University

In many urban areas across the United States, police departments, criminal courts, and probation and parole offices are the agencies of government most familiar to residents. Young black men in many cities are regularly stopped and questioned by police. On any given day, more than one in ten are behind bars. Experiences of imprisonment, police encounters, probationary supervision and other dealings with the criminal justice system have proliferated at breakneck pace. Over the past four decades, incarceration rates more than quadrupled – going up even after crime declined.

Changes in U.S. criminal justice have had a broad impact – because most people who encounter police and courts have *never been found guilty of any crime*. In New York City alone, police stops increased more than sixfold in the past decade, even though just one in ten stops led to an arrest or criminal charges. In a nationally representative sample of young Americans, fully one fifth reported having been stopped and questioned at least once by police but never arrested.

What difference do so many encounters with criminal justice make? Do encounters with criminal justice agents affect Americans' attitudes toward government and democratic values – and alter their likelihood of voting or engaging in other forms of citizen participation? For blacks and Latinos who are disproportionately affected, do these encounters affect perceptions of racial equality? Our new book crosses a new research frontier to tackle these important issues.

Encounters with Authoritarian Institutions Heighten Citizen Distrust

Numerous studies show that U.S. criminal justice institutions have expanded, but they have also become more authoritarian. Prosecutors and police have gained new immunities, and new laws make it harder for citizens to formally express grievances and pursue claims of misconduct. At the same time, U.S. prisons have adopted tighter limits on inmate speech and rights to associate. Prison unions and newspapers once flourished, but are now discouraged or prohibited.

These shifts have a larger importance because, as our research shows, involuntary dealings with criminal justice institutions teach people lessons about government and their place in U.S. democracy. From encounters with police, prosecutors, courts, and prisons, people learn it is best to remain quiet, make no demands, and be generally wary and distrustful of anyone in authority – lessons that are very much at odds with democratic ideals.

Adverse Impacts on Citizen Trust, Participation, and Racial Outlooks

From detailed analyses of large, nationally representative surveys, supplemented with over one hundred in-person interviews, we discovered sizeable effects on citizens' attitudes and behavior traceable to people's experiences with police, prisons, and other criminal justice institutions.

- Compared to people who have never had contact with the criminal justice system, those who have been arrested *but never convicted* are 16 percent less likely to “feel like a full and equal citizen” of the United States. These individuals are also 20 percent less likely to believe that “everyone in the U.S. has an equal chance to succeed.”
- People who have been stopped and questioned by police, or arrested for a crime but never convicted, are about ten percent more likely than otherwise comparable others to express distrust of government.
- When asked how much government leaders “care about people like me,” fully three-quarters of people who had experienced punitive contact with the criminal justice system said “very little,” compared with just 36 percent of similar people with no such contact.
- Citizens who have been imprisoned are much less likely to be registered to vote or report having voted in the past presidential election, and reduced likelihood of voting also happens for people with criminal justice encounters not resulting in convictions. Such contacts with criminal justice have a sizeable adverse impact – comparable to the well-known dampening effect poverty has on citizen participation.
- Even compared to other blacks, African Americans who have had encounters with police, courts, prisons are more likely to perceive they are subject to racism and unequal treatment.

To understand these effects, we turned to our interviews. From the many individuals with whom we spoke, we learned that those who had experienced police stops or other forms of punitive encounters were not only less likely to vote but had generally withdrawn from active citizenship. “I better stay below the radar,” said a middle-aged black man in Charlottesville, explaining why he would never ask a public official for assistance. “I feel like they’re not interested in what I have to say. I feel like if I contact a senator or governor, they’ll probably want to put me in jail and leave me as a troublemaker. I’m serious! That’s how I actually feel.”

The Criminal Justice Reforms America Needs

In a nation that aspires to political inclusion and responsive government, our findings should elicit deep concern. Intentionally or not, get-tough-on-crime activities have deepened the divide between those Americans whose voice is heard and a growing group of second-class citizens whose voices are silenced. That these ill effects fall especially hard on African Americans and other traditionally disenfranchised minorities should give us particular pause.

What should Americans do? Devising alternatives to imprisonment, especially for non-violent violations, is an important first step. In addition, real reforms must be made in the inner workings of institutions tasked with surveillance, adjudication, and punishment. Even in these necessarily regimented settings, basic democratic rights and values need to be maintained. These types of reforms in U.S. criminal justice can be accomplished without undermining public safety – and such reforms are much needed to restore the vitality of democracy and the equal citizen rights in which all Americans have a strong stake.

Read more in Amy E. Lerman and Vesla M. Weaver, *Arresting Citizenship: The Democratic Consequences of American Crime Control* (University of Chicago Press, 2014).