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Land Of The Free, Home Of The Imprisoned: A Comparison Of Incarceration Rates Among The U.S. And Other Industrialized Nations

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Abstract

The United States has by far the highest incarceration rate in the world. This has not always been so. Before 1980, incarceration rates per 100,000 in the U.S. were less than half of what they are now. Higher crime rates are not a valid explanation. In fact, some have argued that there is no correlation between crime rates and incarceration rates. This paper will analyze the reasons why so much reliance has been put on incarceration in the U.S., why other countries (particularly those in Western Europe and Canada) have significantly lower incarceration rates, and the policy implications for the U.S. criminal justice system.

Introduction

The incarceration rate of the United States of America is over seven hundred inmates per one hundred thousand people in its population, while the rest of the world falls somewhere between twenty to one hundred per one hundred thousand people (Byrne & Hummer, 2005). While some may consider such a large number to not inherently be a problem, it is most definitely worth questioning the outcomes of such policies that lead to such

a high incarceration rate. They should be questioned from a fiscal standpoint, a utilitarian view, and a humanitarian perspective.

The United States spends a huge amount of money on incarcerating its law breakers. Over \$30.3 billion is spent on operating prisons (Austin & Irwin, 2001). Resources are inherently scarce and resources in a state budget being devoted to a specific purpose necessarily have to be diverted from another purpose. According to Austin and Irwin (2001), prisons are the fastest growing portion of state's budgets. In several states, money that has traditionally gone to educational purposes has been diverted to the corrections budget. For example, New York colleges have had their contributions cut by \$615 million while the New York Department of Corrections has had its budget increased by \$761 million. Whether or not the United States has the best prison system in the world with most of its prisoners being rehabilitated and successfully reintegrated into society, that system comes at a giant cost. One can think what he or she may of prisoners, but he or she as a taxpayer has a personal interest in reducing prison expenditures. This gargantuan cost should make it one of the leading

issues in criminal justice policy in the United States and abroad.

Just what are the taxpayers getting for their money? First, it would be helpful to clarify what is desired out of the prison sanction. This will usually include punishment, general and specific deterrence, incapacitation, and rehabilitation. Without question, the United States has the most incapacitating prison system in the world. How much safer society is because of it has yet to be determined. From a utilitarian perspective, if the cost of incarceration is less than the cost of the crimes that would be committed in society if its prisoners were free, then it is worth it. Unfortunately, this is impossible to accurately measure. Since punitiveness is usually measured in sentence length, the United States would also rank near the top for that (Byrne & Hummer, 2005). But punitiveness has little benefit other than retribution if it neither generally deters would-be lawbreakers nor specifically deters those who have been punished. Since crime rates have little correlation to incarceration rates and a majority of America's prisoners recidivate, the deterrent effect of prison is seriously in doubt (Tonry, 1999). Rehabilitation, if we take the minimal definition of it as simply reintegrating prisoners into society such that they cease to commit crime, is obviously also not happening if a majority of American prisoners are recidivists.

The humanitarian costs of prison are high, especially if one considers the possibility that they may make people less able to function in society. Also considering the fact that most prisoners are convicted of nonviolent crimes, one would definitely hope that such people will benefit from prison and eventually reintegrate as a functioning member of society. One need not be a bleeding heart

to realize the need to find an alternative to the current policy of mass incarceration that does not seem to deter or rehabilitate.

My intent in this paper is to answer three broad questions: why are incarceration rates in the United States so high, why are some other similar countries' rates relatively low, and what are some policy changes that might benefit the U.S. in terms of lowering incarceration rates and having a less punitive justice system?

Why are incarceration rates in the U.S. so high?

In the five decades before the mid-1970s the U.S. had a somewhat stable incarceration rate of about 110 per 100,000, which is approximately the rate of incarceration in Canada and England currently (Blumstein, 2007). From this information, one can deduct that it is not impossible that the U.S. would have a much lower rate than it does today. So what happened in the late 1970s and 1980s that brought the incarceration rates so far up?

A possible explanation of why incarceration rates are high is because crime rates are also high, but there is consensus that there is little correlation between the two (Tonry, 1999; Aebi & Kuhn, 2000; Lynch, 1988). Several property crimes, such as burglary, grand theft auto, and pick-pocketing, are much more frequent in England and other Western nations. Rates of violent crime in the United States are relatively high, but not the highest. Plus, of those sent to prison, less than one-fourth were convicted of a violent crime (Tonry, 1999). If it so happens that incarceration rates can rise as crime rates stay stable or go down, there are only two possible expla-

nations. One is that the rate of police clearance of crimes has gone up dramatically and led to many more arrests and convictions. The other is that there had to be some change in criminal justice policy that led to more people being incarcerated. As no literature supports the former explanation, deductively that only leaves the latter.

So why did policies change? There is largely a political explanation (Stucky, Heimer, & Lang, 2005). Tonry (1999) and Smith (2004) explain that for many politicians, a “tough-on-crime” stance benefitted them politically, while being seen as “soft-on-crime” carries a majorly negative connotation. But in a democracy, or a constitutional republic, there are very few things that legislators can do to actually fulfill their promise of being tough on crime. They cannot easily change policing practices, as there are constitutional protections against aggressive police tactics. As Blumstein (2007) points out, lengthening sentences or mandating minimum sentences are most of what a legislator can do to be tough on crime. Several of these policies are nearly exclusive to the U.S. These include truth-in-sentencing laws, three-strikes laws, a myriad of mandatory minimum sentencing laws, life-without-parole, and the death penalty.

The explosion in incarceration began during the late 1970s, as court commitments increased annually 8.4 percent (Bogess & Bound, 1997). Though there is some dispute whether the rate of court commitments to prison vs. prison sentence length is a greater contributor to incarceration rates, both increased during this period (Aebi & Kuhn, 2000). Bogess and Bound (1997) state that “between 1970 and 1980, the fraction of the population incarcerated for felonies rose 39 percent ...during the 1980s, that num-

ber increased by 112 percent, ... a rate of increase nearly triple that of the 70s” (p. 731). In the period of time between 1979 and 1992, as the rate of court commitments rose annually at 8.4 percent, higher probability of incarceration was responsible for a majority of the increase. Drugs made a considerable contribution as well: the percentage of offenders being incarcerated for drug offenses went from 8% to 31%, and 43% of the prison population increase can be attributed to drug violations. Pooled together, the two factors of higher probability of incarceration for any category of offense and the commitments for drug offenses made up greater than 96% of the increase in new court commitments in that period (Bogess & Bound, 1997). Corroborating this conclusion is Blumstein (2007), stating of his study of American incarceration rates from 1980 to 2001 that “the basic conclusion was that the entire growth came from more commitments per arrest and from longer time served” (p.10). He also stated that for drug offenses there was a 10-fold increase in incarceration.

If these two factors, higher rates of offenders receiving prison sentences and increased incarceration of drug offenders, are the major causes of this increase, then it follows that they must not be happening in other countries, or if they are happening it must be to a lesser extent.

Why are incarceration rates for other countries relatively low?

One major difference in many European countries, as far as our two major factors go, drug use is seen more as a socio-medical problem, not as a criminal problem as in the United States. The U.S. has employed mandatory minimum sentences for drug violators in the hope

that it will deter potential drug offenders, while Canada and European countries have abstained from such behavior. Also, they seem to have less of a reliance on incarceration for dealing with felons. In addition, the European nations with the highest incarceration rates, like Russia and Romania, tend to be former Communist dictatorships, which is not exactly a distinction of which Americans should be proud (Durnescu, Lazar, & Shaw, 2002).

In this section, special attention will be paid to Canada, the experience of West Germany during the 1980s, and Finland. Both of the former nations have criminal justice systems similar to the U.S., along with written constitutions, and provide good examples of the benefits of avoiding the temptation to control crime through imprisonment. Finland is historically analogous to the United States in terms of comparative incarceration rates: in the mid-20th century, Finland had incarceration rates that were approximately four times as great as those of other Nordic countries. Now that Finland is almost even with its Nordic neighbors, it provides an example of what a country can do to lower its prisoner rates.

Canada

America's northern neighbor in 2006 had an incarceration rate of 103 per 100,000 (Doob & Webster, 2006). It has cultural, historical, and economic connections to the U.S. and has a similar crime rate. So why does it have so many less prisoners? Doob and Webster (2006) attribute Canada's stable prisoner rate to its ability in "countering punitiveness" (p. 325). Unlike the United States, Canada has abstained from many of the three-strikes laws, habitual offender laws, mandatory minimum sentencing laws, and truth-in-

sentencing laws. In the situations where they did adopt mandatory minimum sentencing, such as with crimes committed with a gun, Doob and Webster (2006) point out that they had little effect in increasing incarceration rates because the minimums were little different than what Canadian judges would have otherwise imposed. For most crimes, legislators avoid mandatory minimum sentences because the Canadian Supreme Court has often found them to be unconstitutional. There has been greater use of increasing maximum penalties, but Canadian magistrates will rarely decide to use their newfound latitude in sentencing. In fact, "the Canadian Sentencing Commission notes that it could find no evidence that the maximum sentence had ever been used for some offenses" (Doob & Webster, 2006, p. 335).

Politically, Canadians have seemed to avoid the siren's song that has entrapped Americans in their desire for politicians to get tough on crime. The American criminal justice system used to be based on giving judges the discretion necessary to allow them to provide individualized justice that has rehabilitation as its ideal. Now it is more geared towards getting that discretion out of judges' hands through determinate sentencing in order to deter and incapacitate. While American politicians have found it beneficial to be tough on crime, "recent research shows that most Canadians do not strongly support 'get tough' strategies as a solution to crime" (Doob & Webster, 2006, p.341). Some have characterized American crime policy as being driven more by ideology and politics than by rational policy analysis. Furthermore, Tonry (1999) claims that Americans do not really care about the results of criminal and drug policies, but simply support policies of harshness

because of their denunciatory and expressive qualities. Canada, on the other hand, has no intention of locking people up and throwing away the key. “Even murderers are perceived under Canadian criminal law as individuals who – for the most part – should eventually return to society...there have been no serious attempts in Canada to create the American-equivalent sentence of life without parole” (Doob & Webster, 2006, p. 342). Some might consider the Supreme Court decision in *Roper v. Simmons*, 543 U.S. 551 (2005) as a major breakthrough in countering punitiveness in American juvenile justice policy because it outlawed the death penalty for those under the age of 18. Canada has been moving in the opposite direction for juvenile murderers but is still quite tame in comparison: in 1992, the maximum sentence for juvenile murderers convicted in youth court was increased from three years to five years, and then to ten years in 1996 (Doob & Webster, 2006).

Canada’s justice system also seems to be set up in such a way that it counters punitiveness. This is true for judges. According to Doob and Webster (2006):

The political background of the Canadian judiciary is not typically known, discussed, or obvious to most observers. In fact, it is difficult to obtain any information (beyond simple biographical data) about judges who have been appointed in Canada. As such, Canadian judicial decisions are less likely to reflect the party line of those in power or in opposition. (p.348)

This political independence, in conjunction with wide discretionary abilities in sentencing, allows Canadian judges to decide how much incarceration will be used as a sanction without having to

shift with the political winds that might not be best for the justice system. Another mechanism that insulates the Canadian justice system from the political winds is its separation of powers. It is the federal government that makes the criminal law and the provincial governments that administrate it. Since the federal government is less responsive to public demands, this affords Canada the ability to avoid overreaction to crime by instituting populist policies that would increase incarceration rates. Also, the federal government can deflect responsibility for what may be seen as lenient sentences. Unlike in the U.S., Canadian prosecutors have the right to appeal any sentence (Doob & Webster, 2006). So, again, the main responsibility for sentencing remains with the judges who actually see those they sentence rather than legislators far away.

Lastly, and perhaps most importantly, Canadians seem to be more skeptical about the government’s ability to control crime through its prisons. Whereas several in the U.S. believe that problems can be legislated away, many Canadians do not have the same level of faith in big government when it comes to crime. Even the Canadian federal government said in 1982 that “it is now generally agreed that the criminal justice system cannot realistically be expected to eliminate or even significantly reduce crime,” and perhaps put it best in saying, “intuitively, at least, one would rather resort to a security guard than to a sentencing judge to protect one’s home (Doob & Webster, 2006, p.355).

West Germany, pre-1990

West Germany had a relatively high rate of incarceration in the first half of the 20th century but had a rapid decline

in that rate because of its effort in decarceration, particularly from 1983 to 1990, when the rate fell 15% (Graham, 1990). This effort came about because of a growing skepticism of the utility of incarceration among policy-makers, judges, and prosecutors.

It started through attitudes and practices towards adjudicating juvenile offenders and young offenders, the latter being outside of the juvenile age range, but within the judge's discretion to sentence under juvenile law. The upper limit of who could be classified as young adult was 20 years of age. According to Graham (1990), pretrial detention of juveniles was a particular target of skepticism, for reasons ranging from its deterrent effect or rehabilitative effect, and perhaps even violated the German constitution. Unlike the U.S., German juveniles cannot be sentenced as adults. This, in conjunction with the discretion to sentence young adults as juveniles, gives judges the latitude to avoid custodial sentences, since the adult court prescribes relatively harsh minimum penalties while the juvenile court has no minimum sentence for any offense (Graham, 1990). Young people are more likely to be sentenced under juvenile law and therefore "less likely to receive custodial sentences, and even when they do the sentences are likely to be for shorter periods" (Graham, 1990, p.160). Also, West Germany steered away from the use of pretrial detention for youthful offenders and abolished it outright for those 15 years old and younger. In contrast to the United Kingdom, which had young offenders constituting one fourth of the prison population, Germany's prison population was one eighth young offenders. Besides gender, age is one of the greatest predictors of criminality and the German's approach to juvenile and

young offending is one of patience, waiting for them to grow out of delinquency and crime (Graham, 1990).

As for adults, the decrease in incarceration was less dramatic but still present. This came about from bringing fewer adults before the court and sentencing less to prison sentences. Bringing fewer before the court meant that there was a greater proportion of serious offenses and therefore the percentage of sentences given of over two years in length increased. Yet even with the higher proportion of longer sentences, the incarceration rates decreased. According to Graham (1990), "the decline in the West German prison population is not due to offenders receiving short sentences or serving less time in prison, but rather to a decline in the number of offenders actually being sent to prison" (p.166). All of this is guided by a sentencing philosophy that intentionally uses prison as a last resort. And fortunately, there is evidence to suggest that the shrinking inmate population in West Germany had little or no negative side effects in crime rates or citizens' fear of crime (Graham, 1990).

Finland

During the 1970s, the incarceration rate in Finland was about 200 per 100,000 people. In comparison, Norwegian, Danish, and Swedish prisoner rates were closer to 50 per 100,000 (Lappi-Seppala, 2000). Luckily, Finland was able to turn the tide over the decades and decrease its incarceration rates while those of much of the rest of Western Europe were rising. Before looking into what policies were implemented to achieve these goals, it would be helpful to analyze the Scandinavian criminological theory that makes Finland and other Scandinavian countries unique.

According to Lappi-Seppala (2000), Scandinavian criminological theory is different because of the interpretation of the process of general prevention. Unlike the American system that focuses on general and specific deterrence, Scandinavian theory is about prevention and using punishment as a value-creating and moral-shaping process. This idea of punishment tries to influence offenders by disapproving of the offense and changing their moral values. "As a result, the norms of criminal law and the values they reflect are internalized; people refrain from illegal behavior, not because such behavior would be followed by unpleasant punishment, but because the behavior itself is regarded as morally blameworthy" (Lappi-Seppala, 2000, p.28).

Another distinction of Finland criminal justice policy, as opposed to those of the American states, is that it will substantively participate in cost/benefit analysis in policy-making instead of bowing to popular demand regardless of the effectiveness of the chosen policies. This allowed Finland to be one of the forerunners during the 1960s in building up an arsenal of strategies that included situational crime prevention and environmental planning instead of simply relying on the repression and/or rehabilitation models in the penal system to deal with crime (Lappi-Seppala, 2000). Similar to Canada, Finland makes it a point to not overestimate the ability of the criminal justice system to deal with crime, and see criminal law as only one method of dealing with crime and other methods outside of the criminal justice system as being more important. The practice of measuring costs and benefits of policies in the case of incarceration has aided Finland in lowering their rate. Wisely asking whether there was a con-

vincing answer as to why they should have four times as many prisoners as Norway, Denmark, and Sweden, they decided to modify their policies (Lappi-Seppala, 2000).

During the 1950s, Finland had some similar policies to the United States that kept their prison population high. These included long prison sentences and high minimum sanctions for property crimes. The judiciary attempted to mitigate sanctions, but rigid limits on their discretion prevented them from doing so. Finland consequently formed a coherent strategy of sentencing reforms during the 1970s that lowered their incarceration rates. Some of these methods were innovative, such as combining a fine with a conditional sentence to deal with things such as drunk-driving (Lappi-Seppala, 2000). There were intentions to shy away from incarceration of youngsters as well and a greater reliance on alternatives. Sentencing a young offender for an unconditional prison sentence only occurred in rare cases. The relatively rare use of imprisonment is shown by the breakdown in criminal cases brought before a Finnish court: 60% of sentences result in fines, 20% result in a conditional sentence, 10% in imprisonment with the usual length being about 3 to 6 months, and 6–7% in community service. The remainder of the cases is waived (Lappi-Seppala, 2000). Once in the criminal justice system, the Finnish focus on what will make the offender able to function again in society. Very few, especially compared to the U.S., will not return to their communities. And like in the Germans' case, the reduction in the incarceration rate in Finland did not have a noticeable influence on crime rates, leading once again to the conclusion that crime rates and incarceration rates are not dependent on each other. And it appears that Fin-

landers recognize this fact and are less swayed by populist rhetoric to get tough on crime (Lappi-Seppala, 2000).

Policy Implications

There are several sentencing policies that are in much greater use in the United States than the rest of the world that contribute to its high incarceration rate. These include “get tough on crime” measures like three-strikes laws, mandatory minimum sentencing, truth-in-sentencing, and life imprisonment without the possibility of parole. As discussed earlier, there is no clear indication that these measures have a general or specific deterrent effect. Simply because of its sheer size, the one objective of the different goals of imprisonment to most likely be completed by the U.S. prison system is incapacitation. And because of its reliance on incapacitation, some criminologists have developed complex formulas in an attempt to measure the incapacitative effect and its cost effectiveness (Piquero & Blumstein, 2007). These formulas are highly speculative and consequently their utility is questionable. According to Sherman, Gottfredson, McKenzie, Eck, Reuter, and Bushway (1997), if all eligible offenders in California were prosecuted under the three-strikes law, the number of serious felonies would be reduced by 28%. But this would come at a cost of \$16,000 per serious felony averted when accounting for the extra costs in prison construction and operation.

The effectiveness of incapacitation for a majority of offenders is also questionable. As discussed, crime rates and incarceration rates have little effect on one another. This has been empirically demonstrated in the Finnish case, the American case, and also between differ-

ent states in Germany (Suhling, 2003). These cases demonstrate that crime rates will not affect incarceration rates as much as the government’s policies in response to crime will. It is important to not forget that this idea works both ways: incarceration rates will have little effect on crime rates. The United States is perhaps the greatest example of this idea, being that it has several times the incarceration rate of other countries and still be comparable in terms of crime rates. Put simply, incapacitation as a means of crime control for a majority of offenders is not cost effective in terms of dollars or human costs.

So what can be done to change the situation? It would be beneficial to review what countries with relatively low incarceration rates have in common in terms of policies that are not common to the United States. In the cases of Canada, West Germany, and Finland there are several examples. One of the most noticeable, and perhaps the most important, was their respective penal philosophies. Whereas in the U.S. the goal of incarceration has been to deter and punish, the aforementioned countries are much more skeptical of the effectiveness of the criminal justice system in dealing with crime and also that of punishment. They focus on the fact that someday most of those going to prison will be let out and the fact that although there may be a deterrent effect with long prison sentences, there also is the possibility that after offenders spend extensive periods of time in prison they may not be able to adjust well enough to function in society. Imprisonment is used as a last resort in those countries, while it seems to be one of the U.S.’s primary weapons for criminal sanction.

Besides looking at the penal philosophies of these nations, one should look

at the policies that they underlie. Much more discretion is given to judges to hand out sentences. Although there is cause for concern that some these sentences may be too lenient or that there may be too much variation in sentencing, there is something to be said about the fact that judges will have the opportunity to consider individuals and mitigating factors before imposing sentences, in contrast to the abstract ideas of offenders that legislators may have in determining sentencing guidelines. Certainly uniformity in sentencing has importance, but strict uniformity that may be detrimental to society or offenders is of little value. This is one reason why mandatory minimum sentences need to be questioned. Another reason is that they may impede or undermine justice. This can be seen, for example, in the myriad of types of homicide where there are “shades of culpability, even in deliberate killings” (Mitchell, 1998, p.455). Homicides, such as mercy killing or self-defense, will vary widely in the culpability that can be attributed to an offender. Having a high minimum sentence has caused charges to be brought down to something such as manslaughter, because a judge may find it a more just outcome in place of a mandatory life sentence (Mitchell, 1998). The problem is clearer when considering minor offenses. Bernard (1992) has documented the problems that mandatory minimums have caused in the juvenile justice system, where judges have to make the difficult choice between a minimum sentence they find too harsh for the offense and doing nothing at all. Minimum sentences may have some value in certain situations but have clearly contributed to America’s high incarceration rate.

Another commonality between Canada, Germany, and Finland was their rehabilitative attitudes towards juvenile

and young offenders. They recognize that the vast majority of young offenders will age out of crime and that incarceration is unnecessary and possibly counter-productive. Germany will not hold most juveniles in pretrial detention nor will Finland incarcerate youthful offenders unless there are exigent circumstances. While currently the United States Supreme Court is deciding whether life without parole is too harsh a sentence for juveniles, the maximum sentence for juvenile murderers in Canada is 10 years in prison. To the U.S.’s credit, its juvenile justice system is much less punitive than its adult system and provides a good domestic example of how alternatives to incarceration can be utilized successfully.

One final difference between these three countries and the U.S. is their citizens’ apparent distaste for punitiveness and it being used to deal with crime. Being “tough on crime” or being labeled “soft on crime” will not affect political popularity in these countries as they will in the United States. Canada has such a structure of governance in which populist demand in sentencing will have less effect than the U.S. The Canadian judiciary seems to be more independent of popular opinion and this can have advantages, but the proper balance between neutrality and accountability in government can be hard to find (Stohr & Collins, 2009). Blumstein (2007) suggests establishing a sentencing commission to establish an appropriate range for offenses, in conjunction with a two-dimensional matrix that has one matrix accounting for offense seriousness and prior record. His hope is to take the politics out of the equation as it does not always equal good sentencing policy. The problem with that is the U.S. Congress has already established

a sentencing commission, and it has not reduced prison sentences. According to Luna (2004), since the establishment of the federal Sentencing Guidelines, the federal prison population is four times greater, often because discretion is taken out of the sentencing judge's hands. But perhaps too much blame has been placed on the American people for these policies. According to Diamond (1990), tough on crime rhetoric is popular in England as well, but unlike America, England will employ the use of lay judges in sentencing. Virtually no difference in punitiveness in sentencing was found between lay and professional judges. It is not clear how much of getting tough on crime is actually desired by the public, rather than politicians trying to gain political clout, in the U.S. According to Tonry (1999), the general public would like to see offenders rehabilitated, are willing to pay more for treatment but not more prisons, and would like prison sentences reserved mostly for the most violent crimes.

One final thing that policy-makers in the U.S. should consider is analyzing the drug war and whether it is having the desired effect, especially considering its vast monetary and human costs. This could very well decrease the prison population more dramatically than any other single policy change. As mentioned above, 43% of the increase in the U.S. prison population during the 1980s was from drug offenses. Considering how most drug offenders pose the greatest danger to themselves and not to others, the wisdom of incarcerating them in possibly dangerous institutions needs to be questioned. Even if they pose a danger to others, there are criminal statutes that would deal with those offenses. In addition, many Americans do not want to pay for the locking up of non-violent of-

fenders and increasing numbers support the idea of decriminalizing marijuana for medicinal purposes. U.S. drug policy as it currently stands is a great obstacle in goal of reducing incarceration rates and should be critically analyzed.

Summary and Conclusions

The U.S. by far has the highest incarceration rate in the world because of "get tough" policies it implemented during the 1980s that brought more people into the prison system for longer periods. This crime control policy is very expensive and has not had an appreciable effect on crime rates, especially in consideration of its costs. In contrast, Canada and many European nations have much lower incarceration rates and crime rates that are comparable, if not lower. If the United States wants to reduce its incarceration rate, it could start by limiting its use of things like high mandatory minimum sentences and truth-in-sentencing laws. This would give more discretion to sentencing judges who can better determine proper sentences for offenders with whom they come into direct contact, instead of that responsibility being delegated to legislators who are unable to consider such things as mitigating factors. It should also critically analyze the policy of incarcerating people for putting banned substances in their own body, both from philosophical and pragmatic standpoints. Finally, the United States should decrease its reliance on incarceration as the criminal sanction of choice. It is one of its most expensive options in its arsenal of dealing with criminals. If only from a fiscal standpoint, it is within everyone's self interest to reduce unnecessary imprisonment.

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