

INDEX

- abolition
 - of parole, 43, 151–52
 - by state, 56–57
 - of prison system, 165–66, 178
- Abt, Thomas, 181
- administrative detention, in China, 13
- African Americans. *See also* racism
 - as crime victims, 87–88
 - incarceration rates for, 14
 - racism against, incarceration rates and
 - “Black on Black” crime and, 84, 88, 210
 - devaluation of African Americans, as crime victims, 87–88
 - for drug crimes, 81–82
 - in Ferguson, Missouri, treatment by law enforcement, 82–83
 - in prison population, 77–78, 80
- aggravated assault, 97–99
 - arrest rates for, 102–3
 - definition of, 97
 - judicial interpretation of, 132–33
 - legislative directives for, 101–3
 - in National Crime Victimization Survey, 102–3
 - simple assault compared to, 98
- alcohol prohibition. *See* Prohibition
- Alexander, Michelle, 15–16, 33, 79–82. *See also* *The New Jim Crow*
 - on crime surge, 33
- Allen, George, 55–57
- Angeles, Weldon, 65–66
- Anti-Drug Abuse Act (1986), 65–66
- Armed Career Criminal Act (1984), 142–43
- arrest rates
 - for aggravated assault, 102–3
 - conviction rates compared to
 - for aggravated assaults, 112
 - for drug offenses, 111
 - for felony offenses, 112–15
 - for homicide, 111
 - demographics for, 4
 - federal crimes, 171
 - during War on Drugs, 103–4
- assault. *See* aggravated assault; simple assault
- auto theft, 72–73
- bail reform, 159–61
- Barkow, Rachel, 167
- Battered Wives* (Martin), 113–14
- Bealer, Antwoine, 145, 147–48
- Beck, Allen, 123
- Biden, Joe, 22–23, 42, 52. *See also* Federal Crime Bill
- “Black on Black” crime, 84, 88, 210
- Blumstein, Alfred, 123
- Bordenkircher v. Hayes*, 138–39
- Brown, Michael, 82–84
- Bush, George H. W., “tough on crime”
 - policies, 43–44
- Bush, George W., 155
 - pardons under, 155–56, 219
- California
 - conviction rates in, 119–20
 - Determinate Sentencing Act, 53
 - determinate sentencing in, 52–53
 - domestic violence in, 100–1
 - judicial interpretation of criminal laws in, 131–32
 - parole release conditions in, 58
 - Three Strikes Law, 39–40, 137, 142–45
 - Evring v. California*, 135–36
 - “tough on crime” policies in, 47
 - Three Strikes Law, 39–40, 135–37, 142–45
 - Truth in Sentencing laws in, 58

- Campbell, Michael, 44
- car searches, by police officers, 3
- cash bail, 159–61
- Cassell, Paul, 127–28
- China, 13
- Civil Rights movement, 79, 85–86
- clearance rates, 68–71
- clemency, 154–56. *See also* pardons
- Clinton, Bill. *See also* Federal Crime Bill
 “tough on crime” policies of, 40–42
- Clinton, Hillary, 41–42
- Comey, James, 14
- Congressional Black Caucus, 41–42
- Connecticut
 - domestic violence policies in, 64–65
 - incarceration reform in, 167–69
- Constitution, US
 - Eighth Amendment, 135–36, 138, 140
 - Fifth Amendment, 140
 - Fourteenth Amendment, 140
 - judicial interpretation of, 134–40
 - right to speedy trial in, 158–59
 - Thirteenth Amendment, 6–7
- conviction rates, 110–13
 - arrest rates compared to
 - for aggravated assaults, 112
 - for drug offenses, 111
 - for felony offenses, 112–15
 - for homicide, 111
 - in California, 119–20
 - by crime, 116–20
 - at federal level, 120
- Coolidge, Calvin, clemency requests and, 154–55
- Cornwell, Glen, 151
- COVID-19 pandemic, incarceration rates during, 1
- crime rates
 - decreases in, 179–83
 - through reduction strategies, 180
 - through technological innovations, 182–83
 - for homicide, 34–35
 - in New York City, 35
 - in United States, 36
 - incarceration rates influenced by, 35
 - measurement issues for, 33
 - surge in, 33
 - in New York City, 35
- criminal courts, “revolving door” justice in, 37–38
- criminal justice system
 - criminal legal system and, as distinct from, 24–29
 - definition of, 24
 - horizontal expansion of, 29
 - National Crime Severity Survey, 25–26
 - severity scale, 26–27
 - purpose of, 3
 - racism as foundational to, 79–82
 - racism in, 79–82
 - as “revolving door,” public perception of, 37–38
 - from state to state, 20
 - in Texas, 20
- criminal legal system
 - criminal justice system and, as distinct from, 24–29
 - definition of, 24–25
 - horizontal expansion of, 29
 - pretrial detention in, 27
 - probation revocation in, 27
 - purpose of, 3
 - reform of, 175–78
 - through decriminalization of drugs, 176–77
 - Prohibition, 175–76
 - through repeal of laws, 175
 - repeat offender laws, 27, 129
- criminal records, 115–16
- “cruel and unusual” punishment, 135–36, 138, 140
- decarceration policies, 89–90
- declinations (declined cases), 108
 - by Department of Justice, 110
 - in New Orleans, 108–9
 - role of evidence in
 - flawed evidence, 109–10
 - lack of evidence, 110
- decriminalization of drugs, 176, 186–87
- Democratic Party, “tough on crime” policies and, 38–42, 45
 - Clinton, Bill, 40–42
 - Kennedy, Ted, and, 38–39
- Department of Justice (DOJ)
 - creation of, purpose for, 170
 - on federal prison populations, 170–71
 - investigation in Ferguson, Missouri, 82–83
- deprivations, while incarcerated
 - physical harm, 18–19
 - from lack of medical care, 19

Index

229

- from neglect, 18–19
 - from overcrowding, 18
- strip searches, 17
- Supreme Court responses to, 18
- detention. *See* pre-trial detention
- determinate sentencing, 49–58, 127
 - in California, 52–53
 - Determinate Sentencing Act, 53
 - historical development of, 52–58
 - judges' role in, 54
 - legislatures' role in, 54–55
 - Truth in Sentencing laws, 53–56
 - mandatory sentencing and, 65–66
 - Anti-Drug Abuse Act, 65–66
 - parole reform and, 55
 - sentencing enhancement, 65–66
 - for gang crimes, 66
 - sentencing guidelines, 54–55
 - Sentencing Reform Act, 53–54
 - Truth in Sentencing laws
 - in California, 58
 - “good time” credits, removal of, 57
 - legislatures' role in, 53–56
 - 1994 Federal Crime Bill and, 57
 - parole and, 55–57
 - in Texas, 57–60
- Determinate Sentencing Act, California (1977), 53
- deterrence, to criminal activity
 - approaches to, 5–6
 - incarceration as, 13–14
 - prison as, 67–76
- diversion programs, Project LEAD, 185–86
- DOJ. *See* Department of Justice
- domestic violence, 99–101
 - in California, 100–1
 - informal responses to, 99–100
 - legislative guidance changes for, 100–1
 - Task Force on Family Violence, 114
 - under “tough on crime” policies, 64
 - protective orders, 64
 - by state, 64–65
- Donohue, John, 34, 37
- Dostoevsky, Fyodor, 68
- driver's licenses, suspension of, 178
- driving while under the influence (DWI), 62
 - in “tough on crime” policies, 61–66
 - in New York, 62–64
- drug courts, 186
 - diversion programs, Project LEAD, 185–86
- Drug Enforcement Agency, 21
- drug offenses
 - African Americans and, incarceration rates for, 81–82
 - under Anti-Drug Abuse Act, 65–66
 - arrest rates for, 111
 - decriminalization of drugs, 176, 186–87
 - incarceration and, 122–23
 - Residential Drug Abuse Treatment Program, 192
 - sentencing for, increased length of, 124
- drunk and disorderly conduct, 104–5
- drunk driving. *See* driving while under the influence
- Dukakis, Michael, 43
- DWI. *See* driving while under the influence
- early release programs, 190
- Eighth Amendment, 135–36, 138, 140
- Ervin, Woods, 165
- Ewing v. California*, 135–36
- Fair Sentencing Act (2010), 207
- Federal Bureau of Investigation, 21
- Federal Crime Bill (Violent Crime Control and Law Enforcement Act) (1994)
 - Clinton, Hillary, and, 41–42
 - funding increases in, 48
 - police hiring under, 95–96
 - as “tough on crime” policy, 22–23, 41–42
 - Truth in Sentencing laws and, 57
- federal incarceration rates, 21–22
- federal prisons
 - abolition movement for, 170–73
 - arrest rates for, 171
 - Department of Justice statistics for, 170–71
 - for immigration offenses, 172–73
 - re-entry cases, 173
 - prosecution rates for, 171–72
 - for weapons offenses, 172–73
- felony cases, 2
 - conviction rates for, 5
 - arrest rates compared to, 112–15
- Ferguson, Missouri, racism in law enforcement policies, 82–84
 - against African Americans, 82–83
 - Department of Justice investigation, 82–83
- Fetterman, John, 46
- Fifth Amendment, 140
- First Step Act (2018), 217

- Florence, Albert, 17
 “focused deterrence,” 181
 Forman, James, Jr., 41
 Fourteenth Amendment, 140
 France, prison population in, 1
 Frase, Richard, 89
 fraud offenses, 62
- gang crimes, sentencing enhancement for, 66
 Garcetti, Gil, 143
 Gascon, George, 144
 Germany, prison population in, 1
 Giuliani, Rudolph, 35
 “good time” credits, 57
 Gottschalk, Marie, 89
 Grattet, Ryken, 151
 Gravlin, Bill, 143–44
 Great Migration, of African Americans, 87
 Gruber, Aya, 100
 Grunwald, Ben, 89–90
 guilty pleas, judges and, 126
- Habitual Criminal Act, Kentucky, 138–39
 Hendrickson, Cindy, 47
 Hessick, Carissa, 117–18
 Holian, David, 41
 homicide
 arrest rates for, conviction rates
 compared, 111
 clearance rates, 68
 crime rates for, 34–35
 in New York City, 35
 in United States, 36
 Hoover, Herbert, clemency requests and, 154–55
 Horton, William, 43
- immigration offenses, 172–73
 re-entry cases, 173
 incarceration rates, in United States. *See also*
 decarceration policies
 for African Americans, 14
 changes in, during 1970s, 6
 comparative approaches to, 12
 during COVID-19 pandemic, 1
 by crime, 62
 crime rates as influence on, 35
 definitions and scope of, 11–16
 alternative, 14–16
 of mass incarceration, 15–16
 demographics for, 1
 federal rates, 21–22
 historical assessment of, 12
 judges’ role in, sentencing and, 121–29
 for drug offenses, 122–23
 methodological approach to, 1–8
 objections to, 14–16
 reform approaches to, 166–69
 in Connecticut, 167–69
 by state, 20–22
 Texas, 21–22
 total prison population and, in 2019, 1
 vectors for, 28
 World Prison Brief, 12
 worldwide rates for, 13
 data collection for, 13
 indeterminate sentencing, 49–58
 abandonment of, 52
 in criminal justice system, 50
 criticism of, 50–52
 reduction of time served through, 191
 Irving, J. Lawrence, 128
- Jackson, Jesse, Jr., 41
 Jackson, Timothy, 129
 jails. *See* prisons
 Jim Crow laws, 79
 Kennedy, Randall, on, 86
 judges
 cash bail and, rulings on, 159–61
 determinate sentencing and, role in, 54
 guilty pleas and, 126
 incarceration by, sentencing and, 121–29
 for drug offenses, 122–23
 mandatory sentencing and, criticism of, 127–28
 plea agreements and, 127
 plea bargains and, 125–26
 plea deals and, 126
 reduction of time served by, 190
 sentence lengths by, increases in, 123–25
 compared to other nations, 129
 for drug offenses, 124
 for property crimes, 124
 for violent crimes, 124
 judicial interpretation
 of criminal laws, 130–33
 for aggravated assault, 132–33
 in California, 131–32
 at federal level, 130–31
 for simple assault, 132–33
 of US Constitution, 134–40

Index

231

- Kennedy, Anthony (Justice), 18
 on pardon reform, 153–54
 Kennedy, Randall, 86
 Kennedy, Ted, 6, 51
 on “revolving door” justice, 38
 “tough on crime” policies, 38–39, 67–68
 Kerner Commission, 87–88
 Klaas, Polly, 40
- LAPD. *See* Los Angeles Police Department
Law and Order, 5
 law enforcement. *See* police; *specific topics*
 legislatures, determinate sentencing and,
 role in, 54–55
 Truth in Sentencing laws, 53–56
 Lin, Jeffrey, 151
Locking Up Our Own (Forman), 41
 Los Angeles Police Department (LAPD),
 104–6
 Lynch, Mona, 122
- Madoff, Bernie, 25
 mandatory minimum sentences, 21–22, 38,
 47, 54–55, 65–66
 under First Step Act, 217
 judges and, criticism of, 127–28
 mandatory sentencing, determinate
 sentencing and, 65–66
 Anti-Drug Abuse Act, 65–66
 Martin, Del, 113–14
 Martinson, Robert, 51–52
 Mason, George, 134
 mass incarceration, definitions of, 15–16
 Mayeaux, Sarah, 152
 Mayson, Sandra, 85
 McDonnell, Bob, 130
 McFadden, Reginald, 46
 medical care, while incarcerated, lack of, 19
 Meek Mill. *See* Williams, Robert
 Miller, Marc, 108
 misdemeanor cases, 2
 conviction rates for, 5
 money laundering, in “tough on crime”
 policies, 61
 Monitoring the Future Project, 103–4
 Muller, Christopher, 87
 Murakawa, Naomi, 65–66
 Myrdal, Gunnar, 86–87
- National Crime Victimization Survey
 (NCVS), 84–85, 102–3
- neglect, while incarcerated, 18–19
 New Jersey, 90
 bail reform in, 161
 jail population in, 90
The New Jim Crow (Alexander), 15–16, 33
 Civil Rights movement in, 79, 85–86
 differential crime rates in, 85
 racism in incarceration rates, 79–82
 Civil Rights Movement and, 79
 victim-reported data in, 85
 War on Drugs in, 84–85
 New York (state), driving while under the
 influence in, 62–64
 New York City, New York
 crime rates in, 35
 surge in, 35
 homicide rates in, 35
 Nixon, Richard, 6–7
 as “tough on crime,” 42
- Obama, Barack, 14
 clemency requests and, 154–55
 Fair Sentencing Act, 207
 overcrowding, in prisons, 18
- pardons
 under Bush, George W., 155–56, 219
 in California, 155–56
 early purpose of, 153
 federal, 154–56
 Kennedy, Anthony, on, 153–54
 presidential clemency/pardon requests,
 154–56
 reform, 153–54
 in Texas, 155–56
 Parnas, Raymond, 99
 parole, 149
 abolition of, 43, 151–52
 by state, 56–57
 reform, 55
 release conditions, 7, 50, 53, 56–57
 in California, 58
 in Texas, 60
 revocation of, 27, 151
 Robin Reagan rules for, 151
 violations of, return to prison after,
 149–50
 parole rules. *See* Robin Reagan rules
People v. Taylor, 134–35
People v. Valencia, 131–32
 Persky, Aaron (Judge), 47

- Petersilia, Joan, 151
 Pew Research Center, 37
 physical harm, while incarcerated, 18–19
 from lack of medical care, 19
 from neglect, 18–19
 from overcrowding, 18
 plea agreements, 127
 plea bargains, 125–26
 banning of, in “tough on crime”
 policies, 39
 plea deals, 126
 Podermaker, Hortense, 86
 police, police enforcement and
 of aggravated assault, 97–99
 arrest rates for, 102–3
 definition of, 97
 legislative directives for, 101–3
 in National Crime Victimization
 Survey, 102–3
 simple assault compared to, 98
 arrest rates, 96–97, 106
 for aggravated assault, 102–3
 for drunk and disorderly conduct,
 104–5
 by Los Angeles Police Department,
 104–6
 War on Drugs and, 103–4
 of domestic violence, 99–101
 in California, 100–1
 informal responses to, 99–100
 legislative guidance changes for, 100–1
 in Kerner Commission, 87–88
 staffing data, 95–96
 hiring and, under 1994 Federal Crime
 Bill, 95–96
 War on Drugs, 97
 arrest rates during, 103–4
 Monitoring the Future Project, 103–4
 pretrial detention, 27, 43, 158
 reduction of, strategies for, 188
 right to speedy trial and, 158–59
 “prison road,” as metaphor, 93
Prisoners of Politics (Barkow), 167
 prisons. *See also* federal prisons
 African Americans in, 77–78, 80
 as deterrence, to criminal activity, 67–76
 functions of, 158
 Hispanic Americans in, 77, 80
 in New Jersey, 90
 overcrowding of, 18
 population by state, 80–81
 pretrial detention in, 27, 43, 158
 reduction of, strategies for, 188
 right to speedy trial and, 158–59
 reduction of admissions to, strategies for,
 184–90
 decriminalization of drugs, 186–87
 pretrial detention reform, 188
 Project LEAD, 185–86
 reduction of time served, 190–93
 through early release, 190
 through indeterminate sentencing, 191
 by judges, 190
 white Americans in, 80
 probation
 judges’ role in, 147–49
 Meek Mill and, 148–49
 revocation of, 27
 violations of, return to prison after,
 149–50
 progressive prosecutors, 144, 189
 Prohibition, 175–76
 Project LEAD, 185–86
 property crimes, 124
 prosecutors
 progressive, 144, 189
 referrals of arrests to, 115–16
 staffing of, 115–16
 “tough on crime” policies and, 61–66
 protective orders, 64
 racial disparities. *See* racism
 racism, incarceration and, 78
 African Americans and
 “Black on Black” crime and, 84, 88,
 210
 devaluation of, as crime victims, 87–88
 for drug crimes, 81–82
 in Ferguson, Missouri, treatment by law
 enforcement, 82–83
 in prison population, 77–78, 80
 in criminal justice system, 79–82
 decarceration policies, 89–90
 in Ferguson, Missouri, 82–84
 African Americans in, treatment by law
 enforcement, 82–83
 Department of Justice investigation,
 82–83
 Jim Crow laws, 79
 Kerner Commission and, 87–88
 in New Jersey, 90
 prison population in, 90

Index

233

- in *The New Jim Crow*, 79–82
 - Civil Rights Movement and, 79
- prison population
 - African Americans in, 77–78, 80
 - Hispanic Americans in, 77, 80
 - by state, 80–81
 - white Americans in, 80
- slavery and, historical legacy of, 79
- Raleigh, Sir Walter, 134
- Raphael, Steven, 78–79, 121, 123
- RDAP. *See* Residential Drug Abuse Treatment Program
- Reagan, Ronald
 - Armed Career Criminal Act, 142–43
 - Sentencing Reform Act, 53–55, 113
 - Task Force on Victims of Crime, 42–43, 49, 67–68, 202
 - “tough on crime” policies, 42–43
 - Victim’s Bill of Rights, 39
- Reagan, William, 151
- recidivism, rehabilitation and, 51–52
- recidivism laws, 147
- Rector, Ricky Ray, 41
- rehabilitation, as focus of prison system
 - failure of, 51–52
 - recidivism and, 51–52
 - sentencing and, 49–52
- repeal of laws, 175
- repeat offender laws, 27, 129
 - Three Strikes Law
 - in California, 39–40, 135–37, 142–45
 - Ewing v. California*, 135–36
- repeat offenders, statistics for, in prisons, 141–42
- Republican Party
 - “tough on crime” policies by, 42–44
 - of Bush, George H. W., 43–44
 - of Giuliani, 35
 - of Nixon, 42
 - of Reagan, Ronald, 42–43
- Residential Drug Abuse Treatment Program (RDAP), 192
- “revolving door” justice, in criminal courts
 - Bush, George, H. W., on, 43
 - Dukakis and, accusations against, 43
 - Horton and, 43
 - Kennedy, Ted, on, 38
 - public perception of, 37–38
 - rehabilitation and, 49–50
- Reynolds, Mike, 39–40
- robbery arrests, 71
- Roberts, Anna, 187
- Roberts, John, 139–40
- Robertson, Pat, 6, 43
- Robin Reagan rules, for parole, 151
- Robinson v. California*, 138
- Rockefeller, Nelson, 67
- Rockefeller Drug Laws, 39
- Rozzo, Joseph, 52–53
- sentencing. *See also* determinate sentencing; mandatory minimum sentences
 - guidelines for, 43
 - indeterminate, 49–58
 - abandonment of, 52
 - in criminal justice system, 50
 - criticism of, 50–52
 - judges’ role in, increased length of sentences, 123–25
 - compared to other nations, 129
 - for drug offenses, 124
 - for property crimes, 124
 - for violent crimes, 124
 - as punishment, 50
 - rehabilitation and, 49–52
 - under “tough on crime” policies, 61–66
- sentencing enhancement, 65–66
 - for gang crimes, 66
- Sentencing Reform Act, (1984), 53–55, 113
- Sentencing Reform Act, Washington (1981), 53–54
- Siegal, Reva, 99
- simple assault
 - aggravated assault compared to, 98
 - judicial interpretation of, 132–33
- Singel, Mark, 46
- Sklansky, David, 98
- slavery, incarceration policies and, 79
- speedy trial, right to, 158–59
- state incarceration rates, 20–22
 - Texas, 21–22
- Stoll, Michael, 78–79, 121, 123
- strip searches, 17
 - Supreme Court responses to, 18
- Supreme Court, US, strip search cases, 18
- Symington, Fife, 44–45
- Task Force on Family Violence, 114
- Task Force on Victims of Crime (1982), 42–43, 49, 67–68, 202

- Texas
 criminal justice system in, 20
 incarceration rates in, 21–22
 pardons in, 155–56
 parole release conditions in, 60
 “tough on crime” policies in, 44
 Truth in Sentencing laws in, 57–60
 theft offenses, 62
A Theory of the Stability of Punishment, 12
 Thirteenth Amendment, 6–7
 Thornburgh, Richard, 113
 Three Strikes Law, in California, 39–40,
 137, 142–45
 Ewing v. California, 135–36
 Tigano, Joseph, III, 74–76
 time served, reduction of, 190–93
 through early release, 190
 through indeterminate sentencing, 191
 by judges, 190
 Tonry, Michael, 85
 “tough on crime” policies, 5–8. *See also*
 determinate sentencing;
 indeterminate sentencing
 arrests under, 61–66
 bipartisan approaches to, 44–47
 in California, 47
 Three Strikes Law, 39–40, 135–37,
 142–45
 Congressional Black Caucus and, 41–42
 by Democrats, 38–42, 45
 Biden and, 22–23, 42, 52
 Clinton, Bill, 40–42
 Kennedy, Ted, 38–39, 67–68
 for domestic violence, 64
 protective orders, 64
 by state, 64–65
 driving while under the influence in,
 61–66
 legislatures’ role in, 61–66
 for money laundering, 61
 1994 Federal Crime Bill, 22–23, 41–42
 for plea bargaining, 39
 prosecution rates under, 61–66
 by Republicans, 42–44
 Bush, George H. W., 43–44
 Giuliani and, 35
 Nixon as, 42
 Reagan, Ronald, 42–43
 Rockefeller Drug Laws, 39
 sentencing lengths under, 61–66
 in Texas, 44, 46–47
 Victim’s Bill of Rights, 39
 Travis, Jeremy, 152
 Trump, Donald
 clemency requests and, 154–55
 First Step Act, 217
 Truth in Lending Act (1968), 55
 Truth in Sentencing laws
 in California, 58
 “good time” credits, removal of, 57
 legislatures’ role in, 53–56
 1994 Federal Crime Bill and, 57
 parole and, 55–57
 in Texas, 57–60
 Turner, Brock, 47
 United States (US). *See also* Constitution;
 Supreme Court; *specific states*
 homicide rates in, 36
 incarceration rates in
 demographics for, 1
 total prison population, in 2019, 1
 Verma, Anjuli, 122
 Victim’s Bill of Rights (1982), 39
 Violent Crime Control and Law
 Enforcement Act. *See* Federal Crime
 Bill
 Walker, Douglas, 39–40
 Walker, Vaughn, 136
 Wallace, Mike, 51
 War on Drugs, 84–85, 97
 arrest rates during, 103–4
 Monitoring the Future Project, 103–4
 warrants, 182–83
 Washington, D.C.
 bail reform in, 159–61
 case outcomes, 4
 weapons offenses, 29, 62, 123, 172
 under 18 U.S.C. § 924(c), 65, 172–73, 206
 Whitman, James, 51, 129, 153
 Williams, Jerry Dewayne, 143–44
 Williams, Robert (Meek Mill), 148–49
 Wilson, Pete, 45, 151
 World Prison Brief, 12
 Wright, Ron, 108
 Zimring, Franklin, 22, 67, 121–22, 124–25,
 211