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Mass Incarceration: A problem within the U.S Criminal Justice System

***Michelle Alexander’s perspective on existing flaws of the U.S. criminal justice system and the possible remedies***.

In her book, *The New Jim Crow: Mass Incarceration in the Age of Color blindedness*, Michelle Alexander reviews the criminal justice system noting that it is inherently flawed, unsustainable and non-rehabilitative. She argues that the systems are designed to disadvantage a certain segment of the population, people of color. Additionally, it places an overemphasis on drug related offences which is misinformed and only serving to realize political causes for leaders.

Alexander compares the reforms made by the Regan administration in the 1980’s to the status quo as it existed in the 1950’s whereby opposition to the civil rights movement. The latter having been termed as lawlessness and certain politicians notably Richard Nixon benefitted from the flawed systems glorifying law and order but with double standards to the application. She then argues that current systems are only but worse since they victimize law offenders and label them as felons as opposed to the 50’s when they were perceived as victims of circumstances leaving little chances of empathy or goodwill (Bartusch). Also entrenched into the system are numerous collateral consequences that leave little room for successful rehabilitation and active assimilation into the society. She intends to spark a much-needed conversation and initiate concerted efforts to remedying the current situation in criminal justice.

Alexander’s argument is majorly pegged on the premise that there is a misinformed overemphasis on war against drug related crimes. The proposition is a rather subjective one and open to critical debate. Statistics point out an extent of validity in Alexander’s argument. The war on drugs was initiated by president Nixon in the 1971 and has since resulted in an overzealous attempt to curb the vice through jailing of even petty offenders resulting in the US having alarming percentages of people behind bars. By 2016, the statistics of incarcerated persons staggered at 2.3 million persons, a 0.7 percentage of the total population, the highest globally (Wagner and Bertram). Out of this population, a fifth, 456, 000 is serving time for drug related offenses while an extra 1.15 million are on probation for the same (Pearl). Moreover, minimum sentencing laws that have resulted in longer jail terms have contributed to higher numbers in prisons. Clearly, Alexander’s claim that the war on drugs has contributed to a significant portion of incarcerated persons is worthy.

Alexander also purports that the colored and Latin immigrant populations bear a disproportionate burden of the war on drugs and the criminal justice system at large. This population records a six times higher percentage of incarcerated persons compared to whites despite being minorities to the latter (Pearl). It also paints an illusion that blacks and Latinos are the more likely drug offenders whereas studies have proven to differ with this. The fact that incarceration has proved as a futile approach to reducing substance abuse misuse also reinforces Alexander’s argument as worthy and well informed.

There is thus a need for a more effective approach to the problem that will serve to arrive to lower drug related offenses as well as reduce incarceration rates. For instances, drug courts that explore alternatives to incarceration as a punishment for drug possession and distribution viewing it as a public health issue than a criminal justice dilemma would be imperative (Pearl). Non-custodial rehabilitation offered by such courts would realize lower admissions into correctional facilities. Training and reforms in the police force from a rather militant model to one focused on prevention rather than apprehension of offenders would also go a long way in realizing lower incarceration rates.

***John Pfaff’s perspective on existing flaws of the U.S. criminal justice system and the possible remedies.***

The author of “*Locked In*”, John Pfaff also addresses the issue of US’s alarming incarceration rates concurring that there is need for redress to the criminal justice system. However, he puts forward rather divergent views from those of Alexander on the causation of the problem which influences his proposal regarding mechanisms of redress. Pfaff dismisses the narrative that mass incarceration in the US is a product of Nixon’s and Reagan’s overzealous war on drugs, draconian sentencing and profit oriented prisons systems as the standard story and argues that is a top-of-the-surface diagnosis (Hager and Keller). He invokes a rather controversial argument that is focused on violent crime as a greater cause of mass incarceration as opposed to drug related offences. Consequently, he proposes that remediation to the status quo should be inclined towards violent crime and checking the discretion of prosecutors citing that existing recommendations are flawed and would be ineffective. Regarding racial disparity in the criminal justice system Pfaff’s stance is that racial disparity is evident, he however fails to address how it may be remedied.

Pfaff scrutinizes statistics and concludes that there has been an actual increase in violent crime rates as opposed to drug related cases. He challenges the proposal to avoid incarceration for low level drug offenses as a means of reducing the number of incarceration persons noting that while it contribute to some gains, they would be insignificant since only 16 percent of those serving jailtime are incarcerated for drug related offenses with a majority of them being big time or habitual offenders whose sentences are justified (Hager and Keller). He also agrees that rewarding private prisons for number of people they hold rather than their success rates in rehabilitation is erroneous and needs reform. None the less, he premises that such prisons account for a very low percentage of incarcerated persons thus would again achieve insignificant results.

Pfaff also differs with the argument that long sentences have a significant impact on the rate of incarceration noting that the rate of admission is what is rather too high to contend with. In this light, Pfaff decries an overzealous nature of prosecutors to incarcerate law offenders with the position of a district attorney becoming a politically strategic one. He cites that hiring a significantly higher number of prosecutors than that public defense could possibly match actually resulted in more incarcerations during the 90’s despite the rates of crime declining (Hager and Keller). Pfaff notes that the role of a prosecutor in the criminal justice system is rather powerful as they directly contribute to prison admissions and argues that checking this power and discretion as well as reducing numbers would actually contribute to lower incarceration rates.

Implementation of John Pfaff’s remediation proposals.

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Pfaff proposes that to reduce the zeal of prosecutor’s in putting people behind bars, the system should for instance bear liability of incarceration by paying for bed space as well as provide more funding for public defense. Public complacency in scrutinizing and challenging prosecutors also requires to be addressed (Hager and Keller). Plea bargaining which often results in suspects pleading guilty in exchange for lesser sentences due to coercion by prosecutors should also have limitations. There however lies a question of despite seeking to reduce incarceration rates, how best the criminal justice system could manage violent crime effectively. First and foremost, the criminal justice system deserves reform from a punitive perspective to a rehabilitation perspective. This way habitual offenders would decrease resulting in actively reducing admissions to prisons. The fight against crime should also be proactive and focused on prevention rather than correction. Analyzing theories of crime such as the general deterrence, rational choice, routine activities and social learning theories would give insights to motivators of crime then focusing on eliminating such motivators to reduce tendency to commit crime.

# Works Cited

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