

Jonathan Simon

*Clearing the “troubled assets” of  
America’s punishment bubble*

An analogy can be drawn between the troubled assets that contributed to the recent economic crisis and the “troubled assets” of mass incarceration. The former now endanger the survival of the U.S. financial sector (indeed, our entire economy); the latter endanger the fiscal viability and democratic legitimacy of the state. The crucial challenge facing reformers is how to “clear” the complex aggregations of human beings, social and financial capital, information networks, political alliances, and managerial practices that were produced during the long period in which we inflated both the economic and carceral bubbles. In both cases, we must establish new norms and procedures for assessing risk and promising security. We also must recognize the opportunities that the present disasters have created for reinvigorating our economy and democracy. California is the extreme example of this public-sector crisis and is useful as a means to identify strategies for unwinding mass incarceration.

As George Lakoff, Mark Johnson, and other students of cognition have demonstrated, metaphors are far more than lit-

erary frills that excite and, perhaps, expand the imagination. Instead, they are cognitive colonizers, spreading from one part of our thinking to affect other areas. They can reorganize how we understand ideas and concepts and how we act on that understanding.<sup>1</sup> When powerful metaphors sweep through government, they can reorganize our democracy, too. The “war on crime” has proven to be one such metaphor, recasting lawbreakers as enemy combatants, victims as idealized citizen-subjects, and law enforcement as combat forces directed at enemy positions rather than breaches of the penal code.<sup>2</sup> In this essay, I propose a counter-metaphor to the war on crime (albeit a more limited and temporary one) that will help us think in new ways about how to resolve the social and institutional legacies of that “war.”

We would benefit from thinking about the enormous escalation of the prison population in America between about 1980 and 2005 – what sociologists call mass imprisonment<sup>3</sup> – as analogous in important respects (although not in all) to the expansion and remarkable inflation of the residential real estate market in America during roughly the same period (especially in the last decade-and-a-half). The market eventually burst, unleashing social destruction.<sup>4</sup>

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Three distinct aspects of the housing situation bear a relation to mass imprisonment. First, the lesson that institutions, not just individuals, are responsible can be transposed from housing to prisons. While both housing prices and prison populations are conventionally depicted as inflated by trends in individual behavior – more demand for real estate and more crime – the bursting of the housing bubble revealed that expansion of the market for homes was primarily a product of political and institutional decisions. These decisions enabled a far wider range of individuals to “qualify” for loans and gave lenders increasing incentives to behave irresponsibly in their assessment of risk. Likewise, many contemporary criminologists believe the prison population explosion is due not to more crime and criminals, but to policies begun in the 1980s that enabled prosecutors to send more people to prison for longer sentences.

Second, the bursting of the housing bubble, and the resulting collapse in the value of mortgage-based securities, created what is known colloquially as the troubled assets problem. These securities, which were widely distributed in the financial economy of the United States and many other countries, became unstable in their valuation. Unable to price these securities, the financial institutions that had absorbed them found their own financial position destabilized. The “troubled assets” of the penal state are the huge and expensive institutional systems constructed over the past several decades and the millions of formerly incarcerated persons who have been distributed by the penal system into cities and towns in every state.<sup>5</sup> Many of them have been concentrated in communities already plagued by low levels of social capital.<sup>6</sup> Their presence in these communities, accurately or not,

is taken as a sign of increasing danger, thereby diminishing the already chronic deficits of social capital.

Third, the attempt to protect and revitalize the financial community has been described as “clearing” the troubled assets. The government response has been twofold. The financial bailout provided billions of dollars in government money to stabilize financial institutions struggling with troubled assets on their balance sheets. In addition, the Obama administration, in the spring of 2009, announced plans to help clear troubled assets by reparceling the mortgages into lots and encouraging private individuals and entities to bid on them. Government subsidies in a variety of forms, including loan guarantees that backstop investors against big losses, would provide substantial incentives to support these “private” investments.

A federal “bailout” for America’s poorest communities would undoubtedly address many of the consequences of mass imprisonment. Creating new capacities for community organization through support for schools, employment, drug treatment, mental health care, and housing would go a long way toward integrating the formerly incarcerated. It would also help communities absorb and cope with the externalities of the prison experience that the formerly incarcerated bring with them to the communities where they return. The case for this kind of “justice reinvestment” has been made elsewhere (and forcefully) and needs little metaphorical help.<sup>7</sup>

A more novel approach might be modeled on the government’s involvement in opening new markets, where the troubled assets held by giant banks are reassessed by individual investors with expertise in how to assess such risks (with financial guarantees from the federal

government to backstop risk). The key to this strategy is the recognition that there is more value in the troubled assets than the bleakest current assessments suggest. Mortgage-backed securities were sold with the promise that bundling large numbers of mortgages together would ensure that the risk of individual failure would be balanced by fulfillment of the large majority of obligations in each security. That promise turned out to be false; but the reverse assumption, that the assets are now worth nothing, is also likely to be false.

The equivalent assumption for the troubled assets of the penal state, that anyone who has been incarcerated is dangerous and a risk to society, is also false. Just as mortgage entrepreneurs aggressively expanded the scope of who qualified for a home loan (sometimes borrowers with nothing to put down and little evidence of income), the actors we might consider penal entrepreneurs of the 1980s and 1990s aggressively marketed young drug and property offenders as bad enough to be sent to state prison. This stance was a shift from the practice of a decade earlier, when these offenders likely would have been handled with probation or jail. By tossing lots of good risks in with the bad, expansive prison growth has created a potentially large upside risk to the formerly incarcerated. One can imagine reentry strategies that attempt to make the nature of the risks posed by the formerly incarcerated more accurate and visible.

According to conventional wisdom, today's enlarged prison populations are the product of the long wave of crime that began in the 1960s and continued, with temporary remissions, through the mid-1990s, when sustained downturns began (which have leveled off in most

places). Most criminologists accept a very different story. Reported crime began to rise in the mid-1960s and peaked in the early 1970s while incarceration rates were historically low. By the time incarceration rates began to climb in the early 1980s, crime was subsiding. While crime increased again in the mid- to late 1980s, and decreased after the mid-1990s, incarceration rates continued to grow steadily until the early 2000s.

Political scientists and criminologists share the perspective that the dramatic growth of the prison population was generally achieved by intentional policy changes, specifically the adoption of laws sending more drug and property offenders to prison (rather than jail or probation), lengthening prison sentences for serious crimes, and requiring prisoners to serve larger portions of their sentences before being released.<sup>8</sup>

Mass imprisonment differs from early waves of enthusiasm for the prison as an instrument of social control both by the scale of increase and by the shift to strict reliance on imprisonment for wholesale categories of crime.<sup>9</sup> Whether through formal changes to sentencing or changes in practice, the decision to send people to prison, and for how long, has been increasingly decoupled from individualized judgments about the level of risk offenders pose to public safety.

What can be added to this widely shared picture by building a metaphorical link to the housing boom? Several interesting relationships between prison and housing highlight why both took so long to be seen as problems. Institutional assessments of risk played a central role in the inflation of both bubbles.

First, there is a long-standing cultural narrative in the United States that casts both prisoners and homeowners as captains of their own fate. Indeed, they represent polar opposites in the classic

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American narrative, in which personal character and willful action are the major elements in a subject's journey. The narrative culminates with a subject arriving at a station that practically and symbolically defines his or her journey: the big house in the suburbs or the "big house" prison even farther out.<sup>10</sup> Especially in contrast to Europe, the United States has long stood out for both the number of its citizens held in prison and the number who own their own homes.

Thus, it is unsurprising that for many there is little apparent tension between our image as a nation of responsible homeowners and the fact that we also lead the world in incarceration.<sup>11</sup> However, in the aftermath of the catastrophic deflation of the housing bubble, and in light of evidence that our prison populations remain at historically high levels despite more than a decade-and-a-half of declining crime rates in most of the country, we would do well to question both versions of this narrative of individual choice. With both housing and prisons, private action was part of the story, but it could not have produced the historic rises without significant institutional help.

For the prison boom, institutional help was undeniably governmental and state-based, mostly via legislation and the exercise of prosecutorial discretion.<sup>12</sup> As for the housing boom and bubble, historians will be sorting out the roles of financial institutions and regulators for years to come. But there is no doubt that, since the New Deal, both major parties in the United States have advanced explicit federal policy to expand the market for homeownership. Because there is no large pool of renters at the top of the income scale waiting for the right tax or other incentive to buy (other than in a handful of rent-controlled apart-

ments in San Francisco and New York), expansion can be only toward enabling buyers with fewer assets and less income.<sup>13</sup> Both parties proclaimed that expanding homeownership to communities of lesser economic means would help make those communities stronger and more stable. So-called subprime mortgages were initially celebrated as offering a way to move many less economically well-off families onto the homeownership "elevator" of values.

The two booms were, at best, miscalculated. Both mass imprisonment and the expansion of the subprime loan market destabilized the neighborhoods they were intended to aid. Imprisoning so many drug and property offenders has removed valuable contributors to families and communities in the most disadvantaged communities, while foreclosures have left many urban and suburban neighborhoods coping with abandoned properties. In both cases, the result has been fragmentation of social networks and capital in ways that criminologists have long associated with increasing risk of crime and disorder in communities.<sup>14</sup>

The prison and housing booms also can be compared in the role that distorted processes of risk assessment played in both. One of the biggest factors in mass imprisonment has been the unchecked role of prosecutors in determining who goes to prison and for how long.<sup>15</sup> Think of the county prosecutor as the prison bubble's equivalent to the housing bubble's mortgage broker. Sentencing changes in the 1980s and 1990s gave prosecutors unprecedented discretion to "qualify" defendants for prison; in the past, many of these defendants would not have gotten through the "underwriting" of judges and juries and would have been excluded from prison. Instead, they would have ended up in

the county jail or on probation, the penal equivalent of the rental market.

In both bubbles, faulty reasoning, embedded in a culture increasingly lacking accountability, was central to casting complex individual risks as generically better or worse. Brokers – sometimes fraudulently, but presumably mostly as a result of extremely lax regulations – presented home buyers and home deals as better risks than many of them actually were. Prosecutors – again, one assumes not fraudulently, but rather as a result of the crime logic of contemporary state government – presented defendants as worse risks than many of them actually were.

Our major financial institutions are afflicted by the large amount of questionable and complicated financial instruments that can no longer be readily traded or priced. Uncertainty about the value of these assets undermines the ability of the holding financial institutions to lend money. What are the troubled assets of the penal state, and in what sense do they threaten the financial viability of the state more broadly?

The prisons themselves are the clearest example of troubled assets in the penal state. California is particularly noteworthy in this respect. In a deliberate policy to secure communities by sending many more troubled individuals to state prison (as opposed to various county-level treatment and punishment options), California built twenty-one new prisons between 1984 and 2000.<sup>16</sup> Despite this growth, the prisons have been overcrowded and managed on a nearly state-of-emergency basis for most of that period, punctuated with increasingly huge and expensive federal court orders. These prisons, disastrously designed to accommodate growth in high-security bed capacity and located far

from the state's major cities, have proved impossible to operate efficiently. They have become a catastrophic financial liability akin to the "legacy" litigation burden of tobacco manufacturers or the unfunded pensions of the former Big Three automakers.

The recent history of litigation over medical-care delivery in California prisons, *Plata v. Schwarzenegger*, is revealing. Despite the fact that two-thirds of California's prisons were built since 1980, they were designed without adequate hygienic space for examining and treating penal subjects and were located in rural parts of the state, which already suffered from chronically low levels of medical professionals.<sup>17</sup> As a result of *Plata*, the state now faces spending billions to retrofit prisons with hospital spaces and to hire adequate medical staff.

A second important troubled asset is California's correctional workforce. The nearly 35,000 correctional officers and parole agents who make up the majority of the workforce in California prisons and parole units belong to the California Correctional Peace Officers Association, long considered the most potent political lobby in the state and arguably the strongest law enforcement organization in the country.<sup>18</sup> This large and powerful workforce means that, despite emphasizing no-frills custody over rehabilitation, California has the most expensive penal system in the world.<sup>19</sup> Yet because of mismanagement and overcrowding, it still cannot accomplish safe and secure custody. (This, however, is not the fault of the workforce, which faces a dangerous and dehumanizing job that education and training alone cannot ameliorate.)

The millions of prisoners and former prisoners in the United States constitute the largest and most important of the

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troubled assets associated with the penal state. One may fairly ask, how can prisoners be said to threaten a penal state? After all, they are its *raison d'être* and most important asset. One very important dimension of the troubled assets metaphor as applied to prisoners is the fear that time spent in our nation's mostly nonrehabilitative and sometimes dangerously overcrowded and mismanaged prisons makes former inmates graver threats to their communities than before they were imprisoned.

Indeed, much of the critical discussion of prisoner reentry over the past decade has only intensified this negative perspective on the formerly incarcerated.<sup>20</sup> The penal state is placed in a very uncomfortable posture by the specific metaphor of reentry, with its implication of local communities affected by what prisons produce. When politicians were selling the prison boom, the emphasis was on removal, not reentry. While the reentry metaphor has been productive in challenging the penal state, it ultimately underscores the apparent risk of those inside prisons. But consider the assets inherent in the troubled assets metaphor. The house at the bottom of those convoluted securities is ultimately an asset to the community where it sits. It was the mortgages and their assembly into mortgage-backed securities without sufficient underwriting that redefined those assets as troubled. Likewise, among prisoners and former prisoners there are many, perhaps even a majority, who are a net asset to their communities.

Problematic risk assessment before the housing-based financial crisis, and lack of calculability and trust after, made certain assets toxic to financial institutions. Now consider the metaphor in terms of the penal state. The incarcerated and formerly incarcerated constitute troubled assets on the books of both the

penal state and real communities. They are troubled not necessarily because they are inherently dangerous, but because of questionable risk assessment by the criminal courts. The opacity and ineptness of the punitive segregation practiced in most American prisons today make it very difficult to assess prisoners' actual risks, as well as the value they might serve in the community once released.

The risk assessment problem manifests inside the penal state's own institutions. California is an extraordinary example of the penal state's general tendency to overload high-security prisons by overstating the risks posed by offenders in custody. There is also a routine tendency to rely on emergency measures like lockdowns, which prevent violence but make medical care and mental health treatment (let alone programming) nearly impossible as a result. A further problem for the penal state is the chronic recycling of persons released from prison back to prison, either through administrative parole revocation procedures or through arrests and prosecutions facilitated by parolees' diminished Fourth Amendment protections. Many criminologists have identified this circuit between parole and prison as profoundly destabilizing to both prisons and communities.

This destabilization is happening precisely at the moment when the emerging green economy is making reinvestment in central cities seem more imaginable than ever. Indeed, many of these rebound cities that enjoyed some population and investment growth in the 1990s are now struggling with both the aftereffects of the mortgage bubble bursting and the prospect that a deflating prison bubble will discharge even more former prisoners on their streets.

Perhaps the most interesting, under-  
noted, and potentially transformative

entailment of the troubled assets metaphor comes from recognition of the compromised physical and behavioral health prospects of many prisoners. California's medically dysfunctional prisons are an extraordinary liability. The very poor health of many California prisoners, made worse by chronic neglect inside, creates its own morass of liability. Very long sentences doom many California prisoners to die in prison: a fifth of the prison population is serving a life term. Thus, the state is very likely to be financially responsible for the medical management of a population that is already sick and aging faster than people outside of prison. The costs of this unfunded legacy are probably in the tens of billions of dollars. Removing ill prisoners to community custody settings, where their treatment can be delivered at much lower costs, represents an opportunity to dramatically lower future liabilities.

Like the troubled assets of the mortgage crisis, prisoners and the formerly incarcerated are assets who bring both capacities and risks to states and communities. Mass incarceration has marked them in the aggregate as dangerous in ways that are likely to be unreliable; it has assessed their overall danger at far too high a level. Yet in the absence of effective practices that could render their unknowable risks more visible, then, like mortgage securities, prisoners and the formerly incarcerated are marked as worse than worthless: they are harmful liabilities.

As of this writing, it remains unclear how far the government will proceed in coaxing new markets for the troubled mortgage assets on the books of major financial institutions, or whether those efforts will succeed. But this uncertainty should not deter us from exploring the

compelling metaphor between the housing and prison booms. After all, we are not trying to transplant real policies but, rather, what we might think of as "political imaginaries." Once we have borrowed from one kind of crisis to learn how to think about another, those new ways of thinking will generate productive policy approaches within their domain-specific context.

A huge federal investment in the social and institutional infrastructure of America's large cities, particularly in those neighborhoods to which most prisoners return, would help clear the legacies of the penal state and lead to a long-term reduction in penal costs. While the adoption of health care reform in 2010 may signal a turn toward increasing investment in poor families and communities by the federal government, any substantial reinvestment is likely to unfold slowly and incompletely given the current economic crisis. Federal intervention ultimately may be required to help states reabsorb their massively distended penal populations, but we must consider ways that states themselves can begin to help "price" and clear their own assets.

For the prisons themselves, we need a conversion program similar to the plan developed to handle former military installations closed down as a result of Congress's base-closing commission in the 1990s. Some prisons might be converted into junior colleges, wind farms, or server locations for giant Internet companies. States will need prisons even after the tide is turned on mass imprisonment; some of the newer prisons could provide a modern platform for a smaller, more efficient and humane system. Ironically, in California the oldest prisons are also those with the best locations. They are close to the cities from which prisoners come and to which they return, and

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these prisons have large bases of professionals nearby to support even modest rehabilitation goals.<sup>21</sup>

The correctional workforce should be downsized along with the prison population and institutions. Officers and their unions are not the cause of mass imprisonment, but the prison bubble has led to an expensive model of custody that must be recognized for what it is: unsustainable. These resources could be re-allocated to more efficient providers of public safety. Governor Schwarzenegger recently proposed the privatization of corrections in a bid to sustain high prison populations at lower costs.<sup>22</sup> An alternative model, which has many of the benefits with few of the risks of privatization, calls for massively shifting responsibility for both custody and reentry to county-level governments. County governments maintain greater proximity to the real crime problems in America and have great flexibility in how they seek to reduce those risks.<sup>23</sup>

Prisoners and former prisoners are at once the easiest and most intractable of the penal state's troubled assets. The state can stop producing so many new prisoners (although this is more easily said than done, as evidenced by the recent failure of several modest proposals to reduce the number of Californians going to prison). However, the state can do little directly to reduce the number of former prisoners; in fact, shrinking the prison population by releasing current prisoners will only create more former prisoners. Also, the legacy of fear concentrated on former prisoners constitutes a volatile political force that threatens to overwhelm the modest administrative reforms designed to stabilize the constant recycling between prison and parole.<sup>24</sup>

Given the concentration of chronically ill persons in our prisons, we have a

golden opportunity to use prisons to reduce health care costs. Smoking is already banned in California prisons. It is not hard to imagine turning much of the prison system into a large health maintenance organization. While at it, we might train prisoners to deliver health care to their aging fellow inmates. These skills would be highly useful in our aging society (although, even equipped with these skills, former prisoners will likely face withering exclusionary barriers on the outside).

Former prisoners who have come out of the shadows to engage in collective efforts to restore their rights and the well-being of their communities add an even more positive kind of social capital to their communities, which often suffer from substantial deficits in horizontal ties among people. Take San Francisco's Ban the Box movement, for example. The organization, created by formerly incarcerated people, began by focusing on the ubiquitous boxes on employment applications that prospective employees are to check if they have ever been convicted of a crime. Ban the Box led a successful campaign to get San Francisco's public agencies to remove the box. Following that success, they have also begun to organize around public safety, seeking alliances with law enforcement, crime victims, and other community groups. Political organizing of this sort is one way to clear troubled assets.

In California and elsewhere, there is now a great deal of interest in evidence-based correctional programming. This new wave of "rehabilitation" may be most valuable in its ability to provide prisoners with greater opportunity to distinguish themselves through participation and achievement in such programs (at least as valuable as any substantive work the programming does). Currently half of all California prison-



ers leave without having participated in a single program. But even the emaciated social capital of the warehouse prison can be turned to some value by helping clear former prisoners of their toxicity. The one bright star in California's penal programming has been its fire camps, which train (and when necessary deploy) thousands of inmates to fight wildfires in California. Not only do the camps pull thousands of prisoners out of overcrowded mainline prisons (prisoners who currently meet a very demanding and narrow range of classification parameters), but the firefighting experience has been celebrated by both prisoners and communities as a successful way to rehabilitate prisoners and restore community. Given that the United States – California in particular – faces a future of increasingly grave threats from climate change, combined with our bad habit of building large cities in environmentally hazardous areas, we ought to build on the fire camp model.

Imagine that every California prison inmate who is physically and mentally fit and willing were given special training in civil engineering, firefighting, and emergency first aid to enable him to be a frontline rescuer in the face of a major catastrophe like Hurricane Katrina or a major earthquake in San Francisco or Los Angeles. This scenario would turn hundreds of thousands of former prisoners into a shadow force of possible rescuers. (It would be up to them whether to use their skills to help

when the time arrived.) Unlike job training or even drug treatment, this kind of training would provide no obvious economic advantage to felons, as against ordinary poor people; at the same time, it would raise the social capital of every former prisoner and every community to which the prisoners return.

There is no guarantee the present troubles will lead Americans to abandon mass incarceration or hyper-inflated real estate. In both cases, however, independent pressures – especially the emergence of the climate change problem and new threats to domestic security arising from terrorism, disease, and environmental disasters – are beginning to call into question the logic of restoring either the prison or the housing bubble. It may take us a decade or more, complete with some false starts, but sooner or later mass imprisonment will seem like the SUV does now: a huge and embarrassing mistake propped up by both individuals and institutions. When that day comes, we will need a way of thinking about the troubled legacies of mass imprisonment. Mass incarceration was not a penological or criminological idea; indeed, virtually every penal expert opposed it. Evidence-based penal policies will be part of the solution, but only if we find a new way of imagining our path out of mass incarceration. We will need a path that leads through the rhizome-like pathways of metaphoric reasoning.

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#### ENDNOTES

<sup>1</sup> George Lakoff and Mark Johnson, *Metaphors We Live By* (Chicago: University of Chicago Press, 1980).

<sup>2</sup> David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001); Jonathan Simon, *Governing through Crime: How the War on Crime Transformed American Democracy and Created a Culture of Fear* (New York: Oxford University Press, 2007).

- <sup>3</sup> David Garland, "Introduction: The Meaning of Mass Imprisonment," *Punishment & Society* 3 (1) (2001): 5; Bruce Western, *Punishment and Inequality in America* (New York: Russell Sage Foundation, 2006).
- <sup>4</sup> While incarceration rates began to rise in most states in the late 1970s, it was not until the early 1980s that they began to grow at an increasingly faster rate. Most economists would place the real estate bubble in the late 1990s and this decade, but significant inflation of housing prices in many of the future affected areas – Florida, Arizona, Nevada, and California, for example – began in the 1980s as well. In another recent article, I explore what I take to be important correlations and causal connections between the growth of American homeownership and the salience of crime to the important role of home values in personal wealth. My claim in this essay is not that there is a causal relationship between the housing and prison booms, but rather that we can learn to think differently about how to respond to the crises in the latter from some of the ways we are learning to understand the former.
- <sup>5</sup> Some may object to my referring to people as "troubled" or "toxic" assets. My goal, however, is precisely to draw on the dynamic set up by the original financial metaphor to recast the penal setting. While some troubled assets may truly be toxic in the sense that they are simply fraudulent deals with no real value, many other loans reflect real value in their underlying properties. But that value is made inaccessible by the current price uncertainty. The real problem of prison is that it casts the value of the formerly incarcerated into enduring doubt even when many are engaged in conduct valuable to their communities. Furthermore, the practice of incarceration does little to make the imprisoned less troubled.
- <sup>6</sup> Todd R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (New York: Oxford University Press, 2007).
- <sup>7</sup> Susan Tucker and Eric Cadora, *Ideas for an Open Society: Justice Reinvestment* (New York: Open Society Institute, 2003).
- <sup>8</sup> Marie Gottschalk, *The Prison and the Gallows: The Politics of Mass Incarceration in America* (New York: Cambridge University Press, 2006).
- <sup>9</sup> Garland, "Introduction: The Meaning of Mass Imprisonment."
- <sup>10</sup> Mike Davis, *Ecology of Fear: Los Angeles and the Imagination of Disaster* (New York: Metropolitan Books, 1998).
- <sup>11</sup> Ruth Gilmore, *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California* (Berkeley: University of California Press, 2007).
- <sup>12</sup> William J. Stuntz, "The Pathological Politics of Criminal Law," *Michigan Law Review* 100 (2001): 505.
- <sup>13</sup> Both Presidents Bill Clinton and George W. Bush strongly supported this path toward capital accumulation for working Americans. President Bush spoke of his vision for an "ownership" society. Both presidents presided over a significant expansion of incarceration (moderated in effects only by steep secular declines in crime). Under both administrations, the standard explanation of both more prisons and more homeownership was to produce safer and more stable neighborhoods.
- <sup>14</sup> See John Hagan, "Social Embeddedness of Crime and Unemployment," *Criminology* 31 (1993): 465; Clear, *Imprisoning Communities*.
- <sup>15</sup> Simon, *Governing through Crime*.
- <sup>16</sup> Joshua Page, *The "Toughest Beat": Politics, Punishment, and the Prison Officers' Union in California* (New York: Oxford University Press, forthcoming), 2.
- <sup>17</sup> The problems actually go much deeper than this since the system's heavy reliance on state-of-emergency management techniques like lockdowns makes it nearly impossible to deliver medical care even with the necessary hygienic space and medical professionals.

<sup>18</sup> Page, *The “Toughest Beat.”*

<sup>19</sup> With an average pay of more than \$73,000 (which can jump to more than \$100,000 with overtime), California’s correctional workforce is the highest paid in the country. However, the officers are expected to provide only custody, and their required educational qualification is merely a high school diploma. Joan Petersilia, *Understanding California Corrections: A CPRC Policy Research Program Report* (Berkeley: California Policy Research Center, 2006).

<sup>20</sup> Jeremy Travis, Amy L. Solomon, and Michelle Waul, *From Prison to Home: The Dimensions and Consequences of Prisoner Reentry* (Washington, D.C.: Urban Institute, 2001).

<sup>21</sup> San Quentin, for example, is the state’s oldest prison, dating to the 1850s. It remains the best in terms of programming because of the incredible volunteer community in the Bay Area. While most of the structures ought to be closed and much of the land sold, a modest-sized prison should remain because of the extraordinary advantages of urban prisons and the strong resistance to building on new sites.

<sup>22</sup> Editorial, “A Poor Prison Plan for California,” *Los Angeles Times*, January 17, 2010.

<sup>23</sup> See Lisa Miller, *The Perils of Federalism: Race, Poverty, and the Politics of Crime Control* (New York: Oxford University Press, 2008).

<sup>24</sup> Page, *The “Toughest Beat,”* 200.

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