



## Book Review

### **A Plague of Prisons: The Epidemiology of Mass Incarceration in America**

**By Ernest Drucker**

New York, NY: The New Press. 2011

Every student of epidemiology learns the story of the Broad Street pump (London, 1854) that marks the birth of the science of epidemiology. In *A Plague of Prisons*, Ernest Drucker uses that story as a metaphor to explain the explosion of incarceration in the United States that followed the 1973 enactment of the Rockefeller drug laws. Epidemiology, in this account, is about the social – not just biological – transmission of a pathogen; how political decisions act as vectors – and how these vectors created a social epidemic of gargantuan proportions. Drucker is professor emeritus of family and social medicine at Montefiore Medical Center/Albert Einstein College of Medicine and former Editor-in-Chief of the journal *Addiction Research*. He was present at the creation of the AIDS epidemic in the Bronx in the early 1980s and watched from his front row seat how the war on drugs spread AIDS through the rest of the criminalized population via the Riker's Island prison.

The purpose of this book is to use the insights of epidemiology to explain the political process by which the United States came to incarcerate 1 out of every 4 prisoners in the world. It can be read in three ways: as an undergraduate introduction to the explanatory insights of social epidemiology; as a non-technical analysis of how the United States achieved its historically unprecedented rate of incarceration; and as a warning to Canadians on the propensity of criminalization of non-violent drug users to become a contagion with multi-generational consequences. The book's timing is apt. Canadians are enacting the political mistakes that produced the plague of prisons in the United States.

Between 1880 and roughly 1975, American rates of incarceration were stable at roughly 75 per 100,000 population. Today that number hovers around 743 per 100,000. Drucker's project is to explain the political path between those two numbers – policy mistakes, depending on your point of view, which transformed a public health issue into an epidemic of incarceration. There were three elements embedded in the Rockefeller drug laws: the political decision to "send a message" by criminalizing drug use; the political/electoral appeal of punishment as the appropriate response; and, the undermining of judicial discretion through mandatory minimum sentences. Of the three, the first – the criminalization of drug use featuring large-scale arrests of low-level drug users – is the 'pump' that spread the contagion of self-sustaining criminality.

There are a couple of lessons for Canadians. The first is that criminal justice made in a consequentialist vacuum – that is, without deliberation over downstream effects on families and particularly children of the incarcerated – is likely to produce intergenerational problems that extend beyond those directly affected. The political imperatives that pushed policy makers into adopting mandatory minimum sentences appealed to the short-term interests of private prison contractors, correctional officer unions, victims' advocates, judges and prosecutors. The latter, in particular, have become a power unto themselves: able to impose substantial costs on public treasuries with minimal fiscal accountability. Policies enacted for short-term political

opportunity have long-term economic and social consequences, but these are of little import compared to the anticipated electoral advantage. The children of the incarcerated – who are at higher risk of incarceration themselves – have no one to speak for them, at least no one with the clout of correctional officer unions or private prison contractors.

The second lesson is that it is hard to reverse the enactment of bad policy ideas once they take hold in the public imagination – even once the fiscal costs become unsustainable and the policy itself is clearly failing. As is now clear, the proliferation of mandatory sentencing regimes across the United States has pushed several jurisdictions – California, Ohio, Florida and New York – to the brink of insolvency, yet they have not achieved rates of crime reduction greater than those jurisdictions that did not embrace draconian sentencing practices. Worse, the sentencing regimes are hard to unwind because they have created a political constituency in those parts of the United States where prisons have become a source of high-income, non-polluting jobs.

The third lesson Canadians should heed is that, in seeking to increase the burden of punishment, harsher criminal sanctions create a long tail: a self-perpetuating underclass of non-violent but ever more marginalized persons who, because of onerous pardon requirements, may never be reintegrated as participating, pro-social community members. As they become less and less employable through repeated incarceration, they cycle from prison to community transmitting the contagion of criminality to their children and family members.

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