

EDITOR'S CHOICE



Restoring Justice: From Punishment to Public Health

In 2005, Treadwell and Nottingham called attention to “one of the largest mass migrations in our nation’s history,” namely, America’s unprecedented rates of imprisonment (Treadwell HM, Nottingham JH. Standing in the gap. *Am J Public Health*. 2005;95(10):1676). That year, more than 600 000 mostly poor young Black and Latino men “cross[ed] the border between the community and the correctional system . . . [a] journey virtually unseen and unheard.” Today, our carceral state looms large in fact (as the largest prison system in the world) and in the popular imagination: the new Jim Crow, the prison industrial complex, the school to prison pipeline, a plague of prisons.

A searing new report by the American Civil Liberties Union (ACLU) reveals just how cruel and unjust that system has become (<https://www.aclu.org/living-death-sentenced-die-behind-bars-what>. Accessed December 30, 21013). The report identifies more than 3200 nonviolent offenders sentenced to die behind bars because of mandatory sentencing and life sentences without hope for parole, victims of the infamous “three strikes you’re out” laws. More than 80% are Black or Hispanic poor men, convicted of crimes committed when they were juveniles or very young adults. Among those incarcerated are:

Sarandon Jones, a 32-year-old mother convicted of “conspiracy to distribute crack cocaine” although no drugs were found on her, who was sentenced to life without parole—for a first offense.

Ricky Minor, a father of three, who pleaded guilty to a federal drug manufacturing charge requiring a sentence of life without parole because prosecutors threatened to pursue his wife, which would have left no one to raise their children.

Danielle Metz, who married an abusive man who was a drug dealer, sometimes helping him to carry cocaine or collect money from Western Union. She and her children left her husband, but she was prosecuted to induce her to testify against him, and has now spent more than 20 years in prison.

Nicholas Kristof, who covers human rights abuses abroad, sees our epidemic of mass incarceration as a tale of “monstrous injustice”:

When we take young, nonviolent offenders . . . and sentence them to die in prison, it’s time for Americans who care about injustice to gaze in the mirror (Kristof ND. Serving Life for this? *New York Times*. November 14, 2013:A33).

Fortunately many, including some prominent government officials, agree and are now challenging our culture of punishment. Attorney General Eric Holder testified that, “too many Americans go to too many prisons for far too long, and for no truly good law enforcement reason” (<http://www.justice.gov/iso/opa/ag/speeches/2013/ag-speech-130812.html>. Accessed January 13, 2014). The *New York Times* says that “if the United States is to call itself a civilized nation, it must end this cruel and ineffective practice” (Sentenced to a slow death. *New York Times*. November 17, 2013: SR12). And bipartisan support is growing for overhauling US drug laws and cutting back on prisons.

But mass incarceration has become a major determinant of population health in the United States, first for prisoners but also for their families and children (Wildeman et al., pp. 421–427, and Venters et al., pp. 442–447). A new approach to criminal justice is needed, one based on public health and prevention: *primary prevention*, to shrink the system by changing drug laws and stopping mass arrests; *secondary prevention*, to reduce the harms of imprisonment by building education, job training, and humane treatment into our prisons; and *tertiary prevention*, restoring life and justice to those needlessly serving long sentences, who pose no threat to public safety and cost us billions annually.

It is time for a new system of pardons, executive clemency, or a general amnesty for these prisoners of the war on drugs and other punitive policies that have wasted so many young lives. The overarching imperative is to shift our criminal justice system from the goals of retribution and punishment to those of public health and restorative justice. ■

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