Gatekeepers: The Role of Police in Ending Mass Incarceration

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Fact Sheet

Everyone is familiar with the image of a police car driving away with a person in handcuffs—but to where? In the United States, some people wind up at a police station, from which they are later released. More often, however, people in police custody eventually land in local jails—county or municipal detention facilities that primarily house people who have been charged but not yet convicted of a crime. In fact, the likelihood that arrest will lead to jail incarceration has increased steadily over the years.

But jail incarceration isn't the only negative consequence of police overreliance on arrest. Just a few days in jail increase a person's likelihood of being found guilty, receiving a harsher sentence, and committing a future crime. People with arrest records also have a harder time maintaining or finding employment, credit, or housing. Overreliance on enforcement also produces profound emotional impacts. Anxiety and other symptoms of trauma are more common among those stopped by police.

Moreover, American policing's overreliance on punitive enforcement—particularly for low-level offenses—has also had real life consequences for communities of color. Communities of color have endured practices such as stop, question, and frisk; excessive enforcement of minor offenses; and concentrated policing in targeted areas far disproportionate to their percentage of the population and likelihood of violating the law. All of this has resulted in increasingly fractured community-police relationships—and far worse.

Police officers, as gatekeepers of the criminal justice system, hold almost exclusive authority—by way of citations, arrests, and even physical force—to enforce and regulate the law. But when people and communities call on the police for help—with maintaining order, responding to crime, or resolving community problems like homelessness, substance abuse, mental illness, and intrafamilial disputes—police too often employ a set of punishing responses they should use

more sparingly. Such mass enforcement ends up criminalizing people—disproportionately black Americans—who pose no or very little threat to public safety, and it too often results in incarceration. Rank and file police officers suffer too, from the risks inherent in such interventions to the strain that the job of policing places on their mental and physical well-being—and that of their families.

This paper proposes a set of actions that, if applied collectively nationwide, have the potential to stem the tide that is pushing people toward the jailhouse door and into deeper involvement in the criminal justice system. They include

> identifying alternative responses to societal problems outside the criminal justice system, such as re-engineering the nation's 911 systems and investing in community-based resources, that if taken to scale could establish other entities beyond police agencies as the default responders to noncriminal but critical circumstances;
> homing in on categories of offenses that do not require police enforcement, recognizing that in many instances it is not the best response;
> expanding the reach and scope of current alternative-to-arrest programs, policies, or procedures;
> investing in institutional changes that support and reward officers when they properly use nonpunitive problem-solving tools; and
> researching and evaluating the impact of policing reforms to ensure they are achieving their intended outcomes.

The problems that have led to mass enforcement are, to some extent, the result of societal issues that have been laid at the feet of police but are not theirs alone to solve. Addressing issues like mental illness, homelessness, and substance use will require a coordinated effort by local elected officials, public health providers, and social services

SAFETY + JUSTICE CHALLENGE

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For more information

To read the full report, visit www.vera.org/gatekeepers. For more information about this report, contact Rebecca Neusteter, policing program director, at RNeusteter@vera.org. For more information about Vera's work to reduce the use of jails, contact Nancy Fishman, project director at Vera's Center on Sentencing and Corrections, at nfishman@vera.org. The Vera Institute of Justice is a justice

reform change agent. Vera produces ideas, analysis, and research that inspire change in the systems people rely upon for safety and justice, and works in close partnership with government and civic leaders to implement it. Vera is currently pursuing core priorities of ending the misuse of jails, transforming conditions of confinement, and ensuring that justice systems more effectively serve America's increasingly diverse communities. For more information, visit www.vera.org.

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails. More information is available at www.SafetyandJusticeChallenge.org.
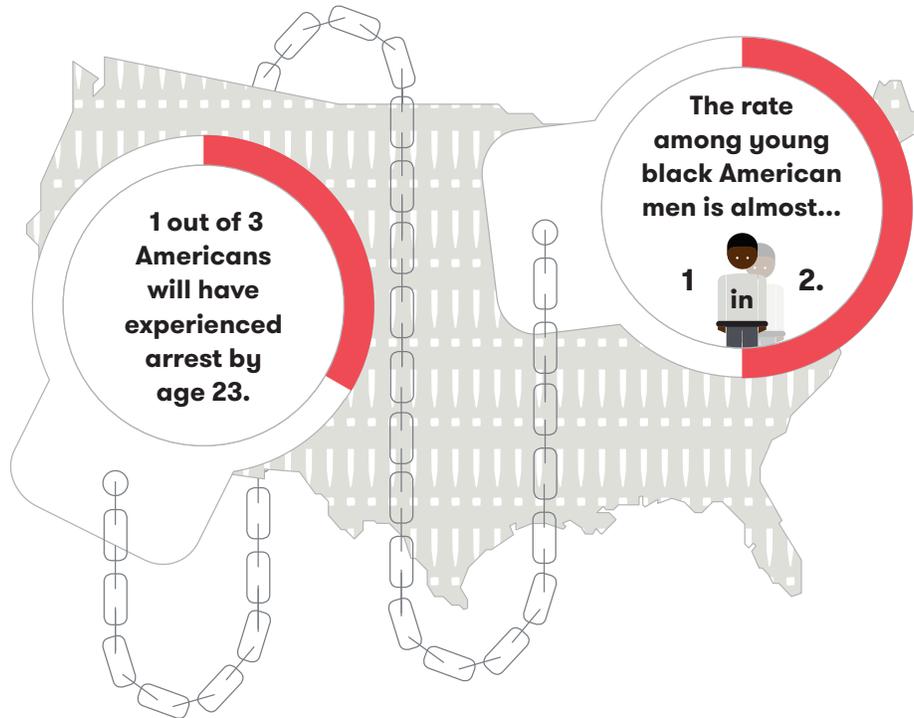
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agencies working with and investing in community-based services to prevent crime at its roots. Approaching these issues on multiple fronts i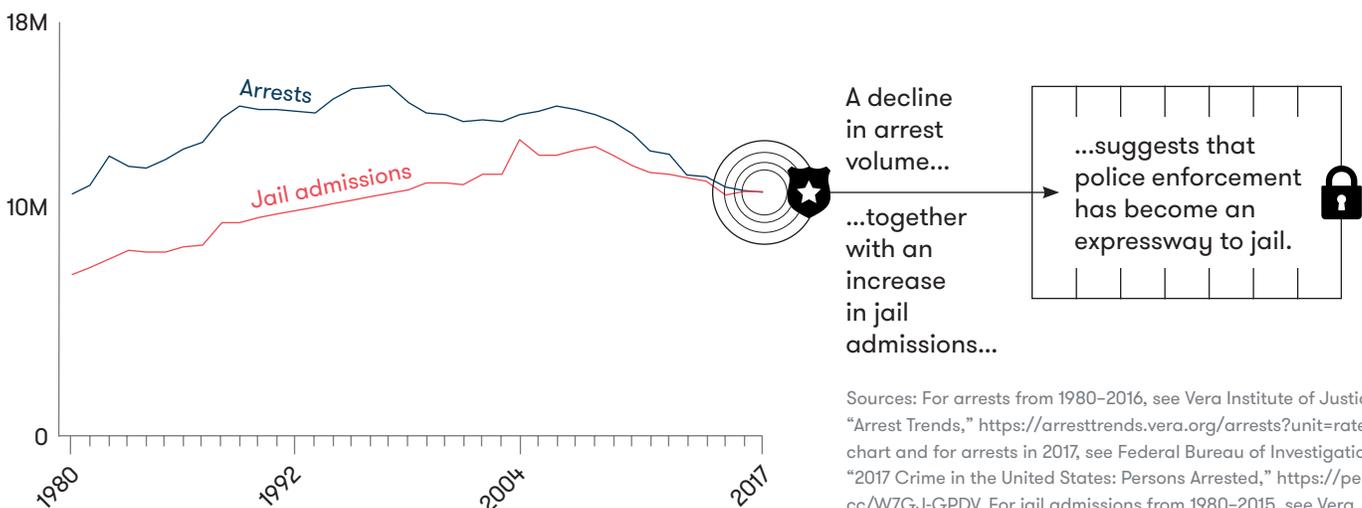s essential if America wants to end the crisis of criminalization—and, by extension, mass incarceration—and to refashion policing into a pursuit that truly operates in the public interest, worthy of public trust.

Arrest numbers in the United States are staggering

1 out of 3 Americans will have experienced arrest by age 23.

The rate among young black American men is almost...

1 in 2.

Source: Robert Brame, Michael G. Turner, Raymond Paternoster, and Shawn D. Bushway, "Cumulative Prevalence of Arrest from Ages 8 to 23 in a National Sample," *Pediatrics* 129, no. 1 (2012), 21-27; and Robert Brame, Michael G. Turner, Raymond Paternoster, and Shawn D. Bushway, "Demographic Patterns of Cumulative Arrest Prevalence by Ages 18 and 23," *Crime & Delinquency* 60, no. 3 (2014), 471-486, https://perma.cc/E49B-SGHY.

Jail admissions and arrest volume, 1980–2017

Arrests

Jail admissions

A decline in arrest volume...

...together with an increase in jail admissions...

...suggests that police enforcement has become an expressway to jail.

Sources: For arrests from 1980–2016, see Vera Institute of Justice, "Arrest Trends," https://arresttrends.vera.org/arrests?unit=rate#bar-chart and for arrests in 2017, see Federal Bureau of Investigation, "2017 Crime in the United States: Persons Arrested," https://perma.cc/W7GJ-GPDV. For jail admissions from 1980–2015, see Vera Institute of Justice, "Incarceration Trends"; for jail admissions in 2016, see Zhen Zeng, *Jail Inmates in 2016* (Washington, DC: Bureau of Justice Statistics, 2018), https://perma.cc/HN73-Q8FY; and for jail admissions in 2017, see Zhen Zeng, *Jail Inmates in 2017* (Washington, DC: Bureau of Justice Statistics, 2019), https://perma.cc/FD5J-7ZUC.