

CHAPTER 1
are going to prison, you have a neighborhood where the children's risk of going to prison . . . is about a quarter higher.²⁹

On top of all this, there is a profound lack of accountability and responsibility in the American justice system. Jurisdiction is divided into multiple layers, including city, county, state, and federal government. State legislatures write the laws and provide some funding (typically for prisons and parole), but almost everything else is funded locally. In operation, the American justice system is essentially a set of silos—law enforcement, prosecution and the courts, and corrections. And these various agencies act as silos, which has significant implications for oversight, responsibility, and accountability. Who is in charge of the criminal justice system? Who is accountable for recidivism? Who is responsible for overall performance and the return on investment? One would be hard pressed to find someone or some agency that will step forward and say, in Harry Truman's inimitable fashion, "the buck stops here."

Consider a corporation with gross revenue of \$300 billion annually (which is a ballpark annual cost estimate for the operation of the US justice system). This amount exceeds every company on the Fortune 500 list with the exceptions of Wal-Mart (\$469.2 billion annual revenue) and ExxonMobil (\$449.9 billion annual revenue). Then consider that this company had long-term performance ("long term" meaning twenty years or so) like that of the American criminal justice system. Granted, this is a silly analogy, since there is no single American justice system and because we are comparing for-profit corporations with government and comparing recidivism with profits or share price. But go with it for another minute. How long would this Fortune 500 corporation stay in business or avoid a major shake-up with performance metrics like those of the American justice system? How long could a manufacturing company remain in business with a failure rate of 83 percent? How long could one of these companies remain viable with the lack of accountability and responsibility exhibited by the justice system? I'm no financial expert, but I would guess that Wall Street would have little tolerance for that kind of long-term performance. So why should we tolerate such ineffectiveness and financial waste from our justice system? Why should we remain silent about the hundreds of thousands of needless, avoidable victimizations every year due to the failure of criminal justice policies? Why does it seem that the high cost of failure is acceptable?

NEXT STEPS

The inability of the justice system to effectively reduce recidivism has direct and indirect costs on a variety of things, including the administration of criminal justice, victims, families, and communities. While we lament the fact that most of the individuals who enter the justice system either have been there multiple times before or will return on a fairly regular basis, we do not always appreciate the financial impact of that failure, the financial cost of the revolving door. Newt Gingrich, former Republican Speaker of the House, said it well in a May 2014 interview with CNN:

When a typical bureaucracy does its job this badly, it wastes money, time and paper. The corrections bureaucracy, in failing to correct the large majority of inmates in its charge, not only wastes money but also wastes lives, families and entire cities. The current system is broken beyond repair. It's a human, social and financial disaster. We need a radical strategy of replacement of these huge bureaucracies that lack any meaningful oversight.³⁰

It seems that one way we can begin to gain some traction on changing criminal justice policy is not to focus on the emotional side of things, what is morally or ethically right or fair. Rather, what brought us to the point of beginning to question tough on crime and mass incarceration today has everything to do with the economic recession that began in 2008. Thus, it may be productive initially to forge the path to justice reform with a focus on the extraordinary financial waste of current policies.

The good news in all of this is that the rest of this book is devoted to where we can go from here to enhance public safety, reduce crime and recidivism, and reduce victimizations and to do all of this by dramatically reducing expenditures on the justice system. This path forward is evidence based, demonstrably effective at reducing crime and recidivism, and cost-efficient.