

Why Punishment Doesn't Work to Produce Lasting Change: Moving Beyond Punishment to More Effective Ways of Preventing and Managing Crime

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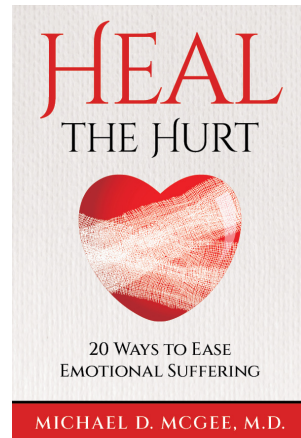
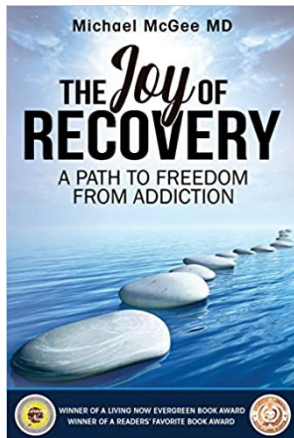
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Burnout & Wellbeing
What We Have to Unlearn to Move Forward as Healers
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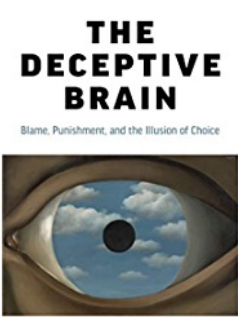


In Episode 22 of *Be Well, Practice Well*, Drs. Omar Reda and Michael McGee talk about carrying trauma, speaking up in a system of toxic stress, and why they continue to serve the healthcare industry.

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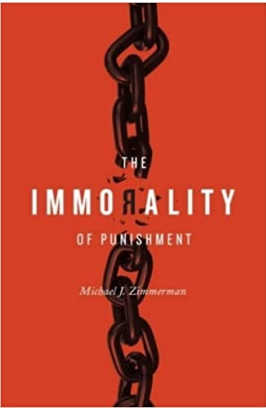
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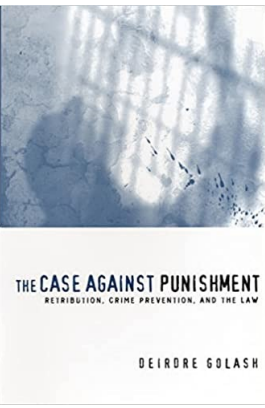
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THE IMMORALITY OF PUNISHMENT

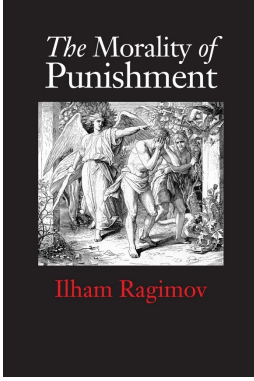
Michael J. Zimmerman



THE CASE AGAINST PUNISHMENT


RETRIBUTION, CRIME PREVENTION, AND THE LAW

DEIRDRE GOLASH



The Morality of Punishment

Ilham Ragimov

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What is Punishment?



Punishment is the act of imposing a negative consequence or penalty on someone who has committed an offense or wrongdoing.

A Harm for a Harm

Retribution

Origins of Punishment



Aversive Conditioning

- Retribution
- Deterrence
- Control
 - Social Hierarchies

The Human Psychology of Punishment



- Aversive Conditioning
- Concept of Justice
- Rooted in Blame and Judgment
- Scapegoating
- Dynamics of Revenge
- Historically Adaptive and Beneficial (to a degree)

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Necessity of a System of Social Control



- Reality of Interdependence
 - Necessity of Roles, Rules, Norms
 - Cultural Evolution of Justice and Morality
 - Rules for collaboration
- Balancing Interdependence and Autonomy
- Punishment One Strategy for Social control
 - Not universal—Varies among cultures

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When Does Punishment Work?

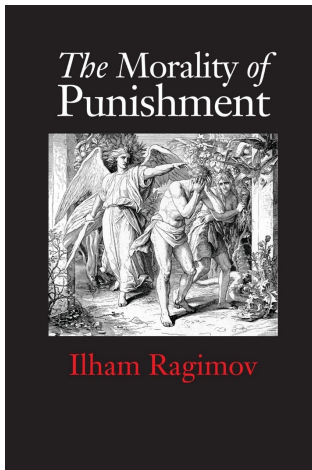


- When certain, immediate, and severe.
- Key component of *anticipation*.
- Punishment as self-defense—proportional harm shifting.
- Efficacy is variable
 - Children > Adults
 - Normal > ASPD, H/O Trauma, SUD, SPMI
 - Severity—Too lenient or too severe
 - Context/Frame
 - Often does not change behavior in long run.

Benefits of Punishment

- Deterrence
- Closure to victims and their families (???)
 - Revenge brings temporary satisfaction, but not healing

Arguments for the Morality of Punishment



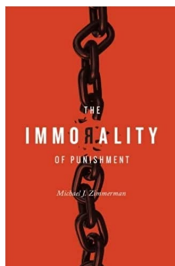
- Deterrence
- Vengeance
- Sanctification of the victim's anger
- For the good of the punished to improve their moral character
- Mechanism for Social Control

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Arguments for the Immorality of Punishment



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- Illusion of Free Will
- (partially) Incorrect assignment of Causality and accountability
- Incorrect location of evil
- Morality of harming in response to harm
- Punishment can't undo harms of crime
- Imperfect Deterrence
- Ineffective for improving morality of offender
- Diversion from work of healing
- There is a better way

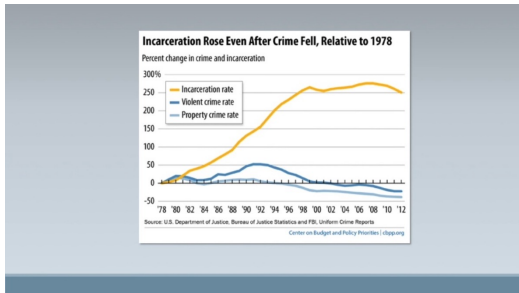
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Taylor, R. *The Deceptive Brain: Blame, Punishment, and the Illusion of Choice*. 2021. Iff Books

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Does Punishment Work for Criminality?



2015 Brennan Center For Justice

US has highest incarceration rate in world.

2 million people behind bars. 1/3 black males vs. 1/17 White males.

- No change in crime despite 4x increase in incarceration.
- Zero tolerance policies lead to criminalization of minor offenses, particularly in marginalized communities.
- Police brutality and racism.
- Disproportionate impact on marginalized and minority communities
- High cost, overcrowding.

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Impact of Incarceration on Recidivism

Complex

- Varies with crime, offender characteristics and Length of incarceration

50-80% rates of reincarceration

- Bureau of Justice Statistics—67.8% rearrested in 3 years. 56.7% reincarcerated

Comparison with Nonpunitive Approaches

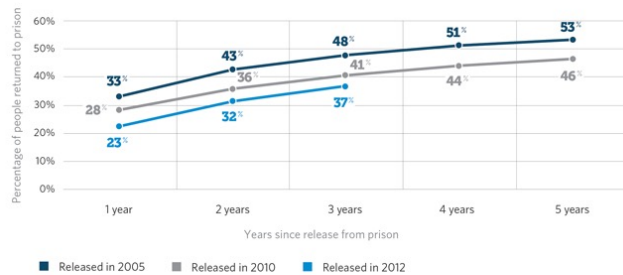
- Roughly 10-40% reductions in reoffending vs. punishment.

Incarceration increases the social conditions that increase crime.

Cultivation of Criminality

3-Year Prison Recidivism Rate Dropped by About a Quarter in 7 Years

Percentages of people who returned to prison after release in 2005, 2010, and 2012



Note: Figure shows the percentage of prisoners in the 23 states that reported reliable data to the Bureau of Justice Statistics who returned to prison by the end of the third year for those released in 2005, 2010, and 2012 and by the end of the fifth year for those released in 2005 and 2010.

Source: National Corrections Reporting Program, 1991-2015: Selected Variables, D51 Term Records

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Shapland, et al. Jaynes and Williams. Good Lives N

The Changing State of Recidivism: Fewer People Going Back to Prison: Pew. 8/1/2018.

The Changing State of Recidivism: Fewer People Going Back to Prison | The Pew Charitable Trusts (pewtrusts.org)

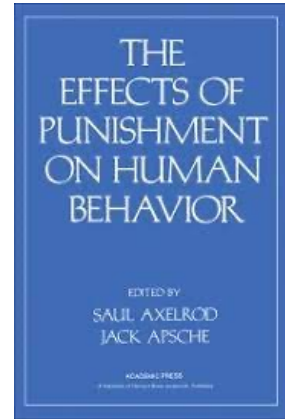
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Psychological Impact of Punishment

- “Prison is a Hell Hole” Pain and Suffering
- Cultivates negative attitudes and Beliefs
 - Learned Helplessness
 - Reinforcement of trauma-based schema.
- Multiplication of trauma. Exacerbation of prior trauma.
- Cultivation of Criminal Attitudes, Thoughts, and Behaviors
- Toxic Milieu
 - Poisoning of Treatment/Rehabilitation
- Perpetuates Cycle of Violence and Harm
 - Deskillling and Deauthorizing
- Psychosocial Harm



Axelrod, S. Apsche, J. Eds. The Effects of Punishment on Human Behavior. 1883
Academic Press.

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Punishment and ASPD



- Lack of shame, remorse, guilt
 - High tolerance for risk
 - Inability to learn from pain
 - Reduced sensitivity to punishment
 - Lack of motivation to change
- ***Punishment is an ineffective treatment for ASPD that can exacerbate the illness.***

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Beyond Punishment



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A Punishment-Free, “Just” Justice System

- Elevate Social Attitudes and Awareness
- Address Roots of Crime Prevention
- Constructive Consequences to Harm—Restorative Justice



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Address Social and Cultural Attitudes and Awareness “This way is wrong, and there is a better way”

Moving from Blame, Judgment and Retaliation to Compassionate Discernment and Wise Response

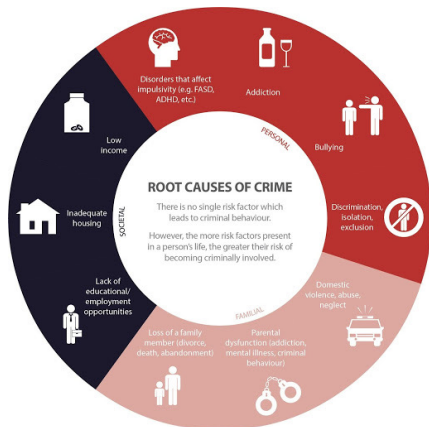
- Highlight harms and lack of efficacy
- Educate on morality/immorality of punishment
- Educate on dynamics of blaming and scapegoating.
- Teach concept and practice of “Blameless Responsibility.”
- Encourage empathy and awareness of roots of crime
- Provide a vision of a more effective, nonpunitive way to reduce, prevent, and address crime.

Address the Roots of Crime



"And if any of you would punish in the name of righteousness and lay the ax unto the evil tree, let him see to its roots; and verily he will find the roots of the good and the bad, the fruitful and the fruitless, all entwined together in the silent heart of the earth."
Kahlil Gibran, "The Prophet"

Roots of Crime



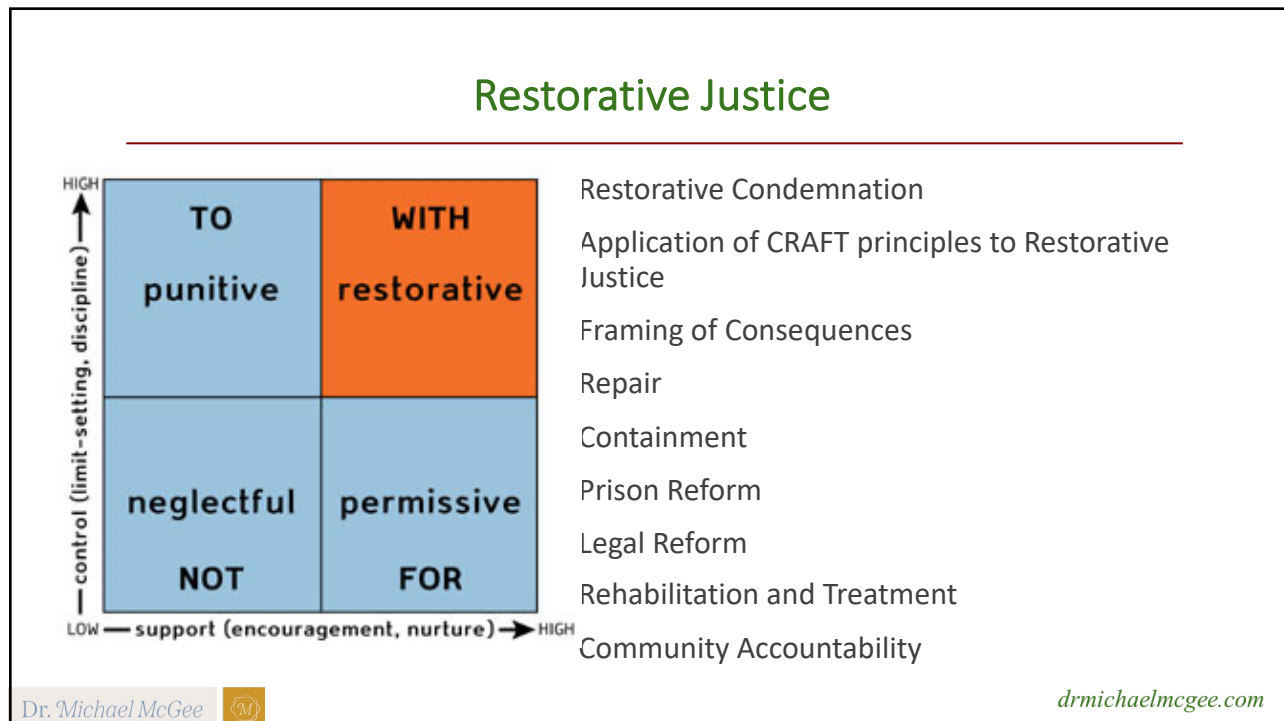
The Root Causes of Crime (projectcalgary.org)

- Cultural Values
- Late Stage Capitalism
- Strain Theory
- Social Injustice
- Racism
- Lack of education and Job training
- Parental Impairment
- Trauma and Neglect
- Community Disintegration
- Homelessness
- Untreated Mental Illness

Prevention



- Early identification of risk and intervention
- Address Roots of Crime
- Mental Health (SUD) Treatment
- Enhance Communitarianism—Create a Culture of Caring



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Solutions

Education

Evolve and promulgate Restorative Justice models and programs

Social Advocacy

Create a coherent MH treatment system

Address roots of crime



Questions and Discussion



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