

COUNTRIES BEYOND BARS: A CROSS-NATIONAL  
COMPARISON OF PUNITIVE AND REHABILITATIVE  
METHODS OF INCARCERATION

by

MADISON N. VANN

A THESIS

Presented to the Department of Sociology  
and the Robert D. Clark Honors College  
in partial fulfillment of the requirements for the degree of  
Bachelor of Science

Spring 2021

## **An Abstract of the Thesis of**

Madi Vann for the degree of Bachelor of Arts  
in the Department of Sociology to be taken Spring 2021

Title: Countries Beyond Bars: A Cross-National Comparison of Punitive and  
Rehabilitative Methods of Incarceration

Approved:   *Professor Matthew Norton, PhD*    
  Primary Thesis Advisor

The culture of incarceration in the United States has long been rooted in punitive practices intended to punish incarcerated persons rather than to rehabilitate these populations in preparation for re-entry into society upon release. Alongside the high recidivism rates among prison populations, the United States is long overdue for an overhaul in prison practices, specifically pertaining to punitive practices of incarceration. Using the incarceration model of the Netherlands as an exploratory country of comparison, this research delves into varying methods of incarceration and criminal sanctions, primarily centered on rehabilitative measures of incarceration. While rehabilitative methods of incarceration assist in some aspects of post-release aid, it is through areas of community support outside of the criminal justice system that occur prior to incarceration that this research shows an effective reduction of recidivism and crime rates. By looking at alternate examples of incarceration in relation to published rates of recidivism in each country, this research works to call into question the efficacy of incarceration measures as a whole in easing prisoner reentry into society.

## **Acknowledgements**

Throughout the writing of my undergraduate thesis, I have received support and assistance from countless individuals, who made all of this possible. First, I would like to thank my Thesis Advisor, Professor Matthew Norton, for his unwavering support from the conception of my topic to the final product that you see here today. Your insight and meticulous analysis of my research and writing was invaluable to my growth not only in the research process, but as a student and scholar.

I would like to acknowledge my Thesis Committee members, Professor Trond Jacobsen, and Professor Jocelyn Hollander for their wonderful collaboration and work on my thesis defense. Their patient support provided a reassuring backdrop to the strenuous yet rewarding process of writing this thesis. I would also like to thank the Robert D. Clark Honors College here at the University of Oregon, and the Department of Sociology for providing me the space and opportunity to conduct this meaningful research. Specifically, I would like to thank Professor Jessica Vasquez-Tokos of the Sociology Department for her invaluable insight and encouragement along the way.

Finally, I would like to thank my friends and family providing a sympathetic ear throughout this long and difficult endeavor, and for consistently offering to read my unfinished work despite having little prior knowledge of these topics. I truly could not have completed this thesis without their unwavering support, and much needed distractions during times of stress.

## Table of Contents

|  |    |
|--|----|
| Introduction   | 1  |
| Original Philosophy  | 1  |
| Change in Outlook  | 4  |
| Literature Review  | 6  |
| Historical Basis of Criminal Philosophy in The United States | 6  |
| Historical Basis of Criminal Philosophy in The Netherlands   | 9  |
| Rehabilitative Methods of Incarceration Seen as Beneficial   | 11 |
| Chapter 1: Methods & Limitations of Preliminary Research     | 14 |
| Research Methods   | 14 |
| Limitations of Research                                      | 17 |
| Chapter 2: Effects of Incarceration on Crime Rates           | 23 |
| Crime Rates vs Total Crimes                                  | 23 |
| Behind the Calculations of Crime Rates                       | 25 |
| Chapter 3: Addressing Underlying Causes of Criminal Activity | 28 |
| The Netherlands  | 28 |
| The United States  | 31 |
| Increasing Poverty Rates                                     | 33 |
| Chapter 4: Public Perception of Methods of Incarceration     | 37 |
| Netherlands Rehabilitative Incarceration                     | 37 |
| United States Punitive Incarceration                         | 39 |
| Chapter 5: Conclusions                                       | 41 |
| Effects of Recidivism  | 41 |
| Inextricably Tied  | 44 |
| Future of Incarceration                                      | 46 |
| Bibliography   | 49 |

## **Introduction**

Methods of incarceration across the globe are forged out of the specific needs of a country in relation to criminal activity, yet trends of incarceration have been forged across borders since the implementation of prisons themselves. Aimed at relocating individuals who commit crimes from outside of the public in order to prevent further crime from occurring, most prisons have a similar claimed purpose. Looking at the models of the United States and the Netherlands as countries with differing methods of incarceration, these trends seem to emerge as facets of incarceration itself. While prison institutions in the United States have a primary focus on punitive methods of incarceration, the Netherlands focusses on rehabilitative methods of incarceration. Looking at the Netherlands as a comparative example to the United States, this research was intended that alternative methods to punitive incarceration could be found in order to model what the U.S. may do to improve upon systems currently in place. In the subsequent research, you will find surprising data regarding the effectiveness of rehabilitative research on lowering crime and recidivism rates in the Netherlands, and data that corroborates the inherent downfalls of punitive incarceration both on the individual and society as a whole. This research is crucial to understanding the inherent flaws of incarceration, and what that means for the future of incarceration itself in any country across the globe.

### **Original Philosophy**

Over the past thirty years, the scale of imprisonment in the United States has increased at an astounding rate, causing scholars to question the effectiveness of punitive incarceration and to reflect on the beliefs and practices of the U.S. population

that have led to an increase of the prison population. America's rise into becoming the world's largest center of incarceration gained footing back in the 1970's when the punishment philosophy shifted from rehabilitative methods of incarceration to more punitive measures. For instance, the prison incarceration rate by the end of 2008 peaked in the United States at 1,000 inmates per 100,000 adults across the nation, with the total number of individuals in state and federal prisons at over 2 million (Gramlich, 2018) - making the United States the nation with the highest incarceration rate in the world. Yet perhaps more telling of the cycle of incarceration in the United States is the fact that an average of 83% of ex-offenders from state and federal prisons in the United States will be arrested again within nine years of release, showing that the recidivism rates of the United States have reached unprecedented levels (Clarke, 2019).

During my time as an undergraduate student in the sociology department at the University of Oregon I have conducted extensive research looking at social inequalities in the United States and broader society as a whole and have been able to focus on issues such as crime and incarceration. I was inspired to conduct further research on the topic of systems of incarceration due to my previous coursework at the University of Oregon, as well as my own interests and connections to the legal system that have inspired me to pursue a career in criminal defense law. During my time in an Inside-Out Program class through the University of Oregon and the Oregon State Penitentiary in which I was able to sit face to face with 13 incarcerated individuals and learn alongside them for a course term, I further became interested in studying the incarceration and more specifically recidivism rates of punitive systems. It was through conversations with my incarcerated classmates regarding their personal experiences with punitive

incarceration methods that I understood a true need for rehabilitative measures in incarceration and thus looked to the Netherlands as a model where the prison system consists predominantly of rehabilitative efforts for offenders.

Because of the dramatic fluctuations in the incarcerated population of the United States, largely as a byproduct of increased criminal justice sanctions and sentencing guidelines, there is a crucial need for scholars to re-examine how punitive systems of incarceration play into the increasing recidivism rates of the country, and what might be done to mitigate these increasing rates. These concerns of the American prison system largely came from increased sanctions which led to a push towards more punitive measures within incarceration in order to control the larger incarcerated populations, alongside the installation of more punitive supermax facilities. The United States will require more set up for programs that encourage reintegration and preparation for civil society rather than focusing efforts on punitive measures that have been shown to be ineffective in equipping formerly incarcerated persons to reintegrate into society.

By looking at examples of countries wherein the primary goal of incarceration is to rehabilitate incarcerated persons rather than to provide punishment or more simply to control larger incarcerated populations, increasing rates of recidivism and incarceration stand a chance of future mitigation - as long as racialized policies that target people of color and low-income individuals as perpetrators of crime are addressed within the United States. As such the focus of my research is on a comparison of punitive versus rehabilitative measures of incarceration in countries such as the United States and the

Netherlands, respectively, and an inquiry into how the recidivism rates of each country are affected by these measures.

### **Change in Outlook**

This exploratory, comparative study of incarceration in the United States and the Netherlands was originally intended to serve as a guidebook for the U.S. on how an adoption of rehabilitative methods of incarceration could improve the incarceration system in general and serve to lower crime and recidivism rates. Essentially, the Netherlands was chosen as a comparative country not because of any radical methods of incarceration or a lack of incarceration in general, but rather because of the Netherlands' more neutral and attainable methods of incarceration. While comparing the United States to a system of incarceration which is polar opposite, such as Norway where punitive incarceration is not even a concept, could serve to show insightful data regarding the downfalls of incarceration as a whole, choosing a country with similar but slightly more progressive ideals was intended to show an attainable outlook for the United States. While complete abolition of the United States incarceration system is not presently an easily attainable or realistic action, regardless of research showing the beneficial nature of prison abolition, this research was intended to show smaller steps that the United States could make towards a more humane incarceration system.

The following research on comparative methods of incarceration, however, provides no simple solution for lowering crime and recidivism rates in the United States by adopting methods of rehabilitative incarceration. In fact, this research provides quite contrary information regarding incarceration as a whole, that even my original research goals had not considered. Throughout the research process, and outlined in the

following research, the collection of data has shown that rehabilitative methods of incarceration as opposed to punitive methods of incarceration provide little difference in directly effecting rates of crime and recidivism. Instead of the initial outline of methods of rehabilitative incarceration that the United States could potentially adopt, throughout this thesis research will show that even incarceration with the goal of rehabilitation is ineffective in addressing the root causes of crime. Thus, an exploratory look into the downfalls of incarceration as a whole was necessary as incarceration itself must not be the key to lowering crime. Here, we will explore why.

## **Literature Review**

In order to provide a comparison between methods of incarceration in the United States and the Netherlands alongside crime rate data, it is crucial that a background understanding of the incarceration systems in these countries is first spelled out. In looking at models of incarceration for both the United States and the Netherlands, it is clear that neither system presently works exactly how it was initially intended to upon its founding, but neither system has forgotten its past of oppressive practices either. As history progresses, these incarceration systems adapted to the times and legal frameworks set in place by the governing bodies of each country, yet some elements of the initial structure hold weight over present-day actions of prison systems. Without the abolishment of a prison system as a whole, it is impossible to remove all historical aspects of any given system, and the current state of the prison may have been forged out of the ripples of past criminal philosophy. Thus, because neither the incarceration systems of the United States nor the Netherlands have undergone an abolishment and creation of a new system, it is crucial that we understand the original basis for prison creation in each country so that we may see the similarities they may have to their original intent.

### **Historical Basis of Criminal Philosophy in The United States**

Over the past thirty years, the scale of imprisonment in the United States has increased at a rate far beyond what our prison facilities could maintain. The prison incarceration rate by the end of 2008 peaked in the United States at 1,000 inmates per 100,000 adults across the nation, with the total number of individuals in state and

federal prisons at over 2 million (Pew Research, 2018). This makes the United States the nation with the highest incarceration rate in the world, nearly 7% higher than the rate of the next-closest country, El Salvador according to the World Prison Brief. This dramatic increase and peak in the incarcerated population of the United States was largely the byproduct of increased criminal justice sanctions and sentencing guidelines. What came along with these increased sanctions on the American prison system was a push towards more punitive measures within incarceration in order to control the larger incarcerated populations as well as the installation of more punitive supermax facilities.

These forms of punishment have led scholars to agree that the changes in this period have been the “decline of the rehabilitative ideal”- or the belief that inmates can be rehabilitated and prepared for reentry into society through the use of prisons as a home of reformation (Garland, 2001). David Garland’s book *The Culture of Control: Crime and Social Order in Contemporary Society* documents the changing punitive systems of the American incarceration system in comparison to other countries. Though while Garland compares the historical underpinnings of systems in the United States and in Britain which have led to their own systems of mass incarceration, my work focusses on the after-effects of these policies which continue to hold incarceration and recidivism rates at a high point. My work therefore is an extension of the work of scholars such as Garland, as I seek to compare the effectiveness of varying forms of incarceration (i.e. punitive, rehabilitative) in reducing rates of recidivism and easing reentry for previously incarcerated individuals in countries such as the United States and the Netherlands.

Deterrence of crime and incapacitation has become the explicit goal of prison systems in place of rehabilitation, which has been called the “new punitiveness” (Pratt, 2007). This to say that the United States criminal justice system has become more punitive and less rehabilitative over time as the express goals of incarceration have shifted, beginning in the 1970’s. John Irwin in his criminal justice policy review “The Warehouse Prison” offers the argument that the United States has undergone a shift in punishment philosophy as the use of incarceration grew to unprecedented levels (Irwin, 2005). This has had a profound change on the daily operations of prison facilities which he describes as human “warehouses” rather than places for rehabilitation. Garland details this new view of prison eloquently, stating: “the ‘Big House’ that embodied the correctional ideal of melioristic treatment and community reintegration of inmates gave way to a race-divided and violence-ridden ‘warehouse’ geared solely to neutralizing social rejects by sequestering them physically from society – in the way that a classical ghetto wards off the threat of defilement posed by the presence of a dishonored group by encaging it within its walls, but in an ambience resonant with the fragmentation, dread, and despair of the post-Fordist hyperghetto (Garland, 109).” The de-evolution of prisons in the United States is clear through this statement that the “big house” prisons which centered on the notion of treatment have been cast aside in favor of contemporary prisons or “warehouses” in which incarcerated individuals are judged irredeemable by society (Phelps, 2011). By locking up inmates without chance of rehabilitation, chances of recidivism for these individuals is sure to remain high, as previously incarcerated individuals are not taught coping methods for reentry into society after incarceration and face further ostracization upon release.

## **Historical Basis of Criminal Philosophy in The Netherlands**

In the Netherlands, the culture of incarceration varies greatly from that of the United States, as prison systems are used with a consistent goal of rehabilitation and treatment. Whereas the United States has continually needed to build more prisons to keep up with the growing incarceration rate in the country, the Netherlands has been forced to shut down many of their prisons because there simply weren't enough criminals to fill them. The prison administration of the Netherlands, called the National Agency of Correctional Institutions (NACI) has shown a steady decline in prison populations since 2006 and boasts an incarceration rate of 54 inmates per 100,000 inhabitants - nearly 19 times lower than that of the United States (Prison Insider, 2019).

The territory of what is now known as the Netherlands was once called Holland, set up by Napoléon Bonaparte as a puppet kingdom for his third brother Louis Bonaparte, and as such, the criminal code is based on the Napoleonic Code imposed during the time of the French Empire (World Cat Identities). In 1810 after the kingdom was dissolved, the code was shifted to have a more rehabilitative penological focus, thereby replacing the Criminal Justice System of France with a more humane system. The focus of the organization was rooted in rehabilitative and humane practices and included advocating for training of offenders, specifically of a religious and educational manner (Van Kempen, 2019). These previously outlined rehabilitative goals persisted long into the 20th century. One of the discrepancies between criminal processes in the United States and the Netherlands lies in the policing of minor crimes and misdemeanors. While the most often used sanction in the United States is a fine for crimes such as loitering or failing to pay a parking, the Netherlands uses fines and

penalty orders as sanctions for an even broader number of criminal actions. Penalty orders encompassed a variety of non-incarceration penalties, being broadly defined as a possible deprivation of specific rights, community service, and other forms of punishment, and are used as a type of sanction that is especially in the Netherlands because they prevent the congestion of jails and are used as an alternative sanction to punish offenders, rather than incarceration (Tak, pg. 161, 2001).

Following the rehabilitative culture of the Netherlands in World War II, one of the largest differences between the United States and the Netherlands was in the stage of the criminal process between fines/sanctions and incarceration: semi-indeterminate detention - TBR order (Downes, pg. 44, 1993). TBR orders in the Netherlands classified sanctions that ordered the placement of an offender in a secure clinic for an indeterminate period of time and exemplified the rehabilitative culture of the nation. Though these detention centers were at one point housing one-third of all incarcerated prisoners, critics of the time argued about their overuse and now only one-tenth of all incarcerated prisoners occupy mental institutions (Downes, pp 95-96, 2007). Thus, it comes to the system of incarceration headed by the Custodial Institutions Agency which is responsible for the incarceration of adults in the Netherlands. Although prisons in the Netherlands have long attempted to utilize rehabilitative systems of incarceration, the pattern of incarceration rates in the country has fluctuated regardless of these rehabilitative systems. Having experienced a long-extended period of increased incarceration rates from 1947 to 1974, one would expect a steady pattern of increasing, or decreasing, rates to follow, yet the Netherlands is now facing an uncertain pattern of increase and decrease of the prison population rate over the past 50 years, despite the

rehabilitative method of incarceration remaining constant. It should be noted, however, that measuring incarceration rates alone is a poor indicator of a shift towards more punitive measures.

### **Rehabilitative Methods of Incarceration Seen as Beneficial**

It is no hidden fact that many countries tout rehabilitative incarceration as the most beneficial to society, but there is more to the story than rehabilitative incarceration simply being accepted as beneficial. The U.S. prison system as a whole has been growing at an unprecedented rate since the 1980s, with the number of people in prisons increasing more than 450%. Scholar Ruth Wilson Gilmore in her book *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*, remarks upon this process of increased incarceration and the prison boom in the isolated case of a single U.S. state in order to better understand how the systemic inequalities in society led to increased policing and incarceration. However, these systemic inequalities go beyond just an introduction to the prison boom and show a basis for not only ‘why’ policing and incarceration has increased, but additionally ‘how’ this fast-paced and dramatic increase in incarceration has failed to allow for rehabilitative options of sanctions for perpetrators of crime who have thus been overlooked. Gilmore reviews this concept through a discussion of the assumptions about who benefits and who suffers from the state’s commitment to prison expansion.

In California, Gilmore remarks that many capital-labor relationships that had previously been assured since the early 1970’s through the golden age of California’s restructuring were both reorganized and often terminated, leading to job insecurity and poverty that more than doubled. She states that “capital must be able to get rid of

workers whose labor power is no longer desirable [...] and have access to new or previously idled labor as the need arises” (Gilmore, pg. 71). This large-scale increase in poverty rates, in addition to California’s surplus population caused a prison boom that was intended to put use to idle labor and “clean the streets” of poverty. However, California is just one case of many United States examples where an incarceration boom overshadowed the need for rehabilitative options of sanctions for perpetrators of crime, or social support programs for individuals most effected by poverty. Thus, Gilmore looks to the abolition of the incarceration system in California and the country as a whole in order to focus on addressing underlying causes of crime. Her call to action for the United States is to first and foremost address the systemic inequalities present in society today that are the root causes of most criminal behavior, as the institution of incarceration itself will do little to aid those who resorted to criminal activities in order to survive due to harm done by the systemic inequalities of society.

Overall, Gilmore’s work is a source of both an educational background of incarceration, and a call to action for the abolition of incarceration practices. Not only does her work provide a basis for the educational background of why the present system of incarceration in the United States has been established through the prison booms led by periods of instability in society, but additionally Gilmore’s work has been used in many instances as a basis for arguments on the topic of prison abolition, as the core causes of the supposed need for incarceration are rarely - if ever - addressed through the incarceration process.

Systemic issues leading to incarceration have been scarcely addressed, thus leading to an ineffective incarceration system being put in place as a feeble attempt to

cover the inequality gap of society, and the following research provides insight into these holes of present discourse.

## **Chapter 1: Methods & Limitations of Preliminary Research**

In conducting research on cross cultural systems of incarceration such as the Netherlands and the United States, in which methods of incarceration and the historical basis for each varies so drastically, there are inherent limitations to the type of research one can conduct. Determining the design and methods of research of this project proved to be a crucial foundation in order to prevent research from being incapable of being compared across two separate incarceration systems. Conflicting information regarding the incarceration system of any country is a common hurdle that must be recognized prior to any research, as it is all too easy to find that primary sources such as statements from a prison institution itself are full of contradicting information. Thus, one must be cautious to recognize that much of the publicly accessible information provided by prison institutions themselves can be used only in conjunction with further background research on any matter. As prison systems often claim that their actions of treating inmates in a certain fashion are for the benefit of the inmate themselves, yet in practice we find differing actualities of what treatment in a prison truly looks like. Therefore, it is crucial to outline both research methods and the limitations of incarceration research to give notice of the difficulties and many facets of conducting research on prison systems.

### **Research Methods**

In creating a cohesive research project acting as a comparison of prison systems across a global context, primarily in the United States and the Netherlands, looking at how recidivism and crime rates differ in punitive versus rehabilitative systems of incarceration, direct research questions regarding the effectiveness in easing

prisoner reentry within different forms of incarceration was crucial. Specifically, the goal of this research was to answer the question of: can systems of rehabilitation in incarceration be used to lower recidivism and crime rates and help with prisoner reentry into society, and what models across the globe might show positive effects of rehabilitation on re-entry, such as that of the Netherlands? As such, the connected concepts and questions that this research focused are as follows:

1. How are methods of incarceration such as rehabilitation and punitive actions forged out of the history and needs of a country (i.e. economic need, social need, etc.)?
2. Can methods of rehabilitation prior to imprisonment be effective in lowering recidivism and crime rates, such as in the use of community-based sanctions for a wider array of offenses, as is the case in the Netherlands?
3. What are the deliberate policies countries enact to keep offenders out of prison, or in what cases do deliberate policies of countries act to purposefully return offenders to prison?

Tentatively before conducting any research, the argument of this project was that systems of rehabilitation are more effective in lowering recidivism rates and easing methods of re-entry into society than strictly punitive systems. Using the model of a country such as the Netherlands in which rehabilitation is at the core of incarceration, a proposed connection was made between punitive incarceration and high recidivism rates. It should be noted, however, that measuring incarceration rates alone is a poor indicator of the effectiveness of incarceration in general and should only be used as a way of understanding the motives behind the choice of methods of incarceration by country. In the United States there exist such racialized policies that make getting out of the prison system often unattainable for people of color and low-income individuals. With this in mind it is clear that we cannot base the effectiveness of prison systems

entirely on the recidivism rates of the country, but rather we can use these recidivism rates to understand the need of our nation for an overhaul in the practices that take place inside and outside of prisons that ensnare people into the cycle of incarceration and often intentionally keep recidivism rates high.

The most accessible method of research in comparing recidivism rates based on rehabilitative versus punitive methods of incarceration in the United States versus the Netherlands was through a primary and secondary data analysis. While conducting interviews on the effectiveness of rehabilitation on formerly incarcerated individuals would be highly informative, a broader look at the policies and public perceptions of incarceration that compose the history of criminal justice systems will be more effective in looking at how we can lower recidivism rates in the United States. As such, a comparative analysis was used as the basic format of this research in order to look at historical and present examples of rehabilitation and its effects on recidivism rates across the globe.

While current research about recidivism rates and criminal justice practices in the United States and the Netherlands is often tied to more primary documentation from government sources, this research into the historical basis for incarceration in each of these countries was founded in secondary data analysis in order to allow for a further grasp on how present day practices of incarceration have been shaped by the history and needs of each country, and what this may mean in terms of the future of incarceration.

While this research includes degree of numeric data in discussing recidivism rates, a qualitative approach was necessary in order to study how reentry into society can be eased through rehabilitative methods and in turn lower recidivism rates, as

opposed to attempting to explain how prison systems are ineffective due to high recidivism rates. Because of the nature of this research in using secondary data analysis and comparison, this research complies with the American Sociological Association's Code of Ethics and does not contain any personal information regarding incarcerated individuals. The information used in this research is be focused on a comparison of previously accessible information regarding incarceration in the United States and the Netherlands used to evaluate effective methods of incarceration for lowering recidivism rates in the future.

### **Limitations of Research**

Measuring incarceration rates alone does not wholly indicate the effectiveness of incarceration, and it was at times difficult to separate the motivations of choices of incarceration from the assumption of an effective/ineffective system. Without easily accessed publicly available data, it provided difficult to come up with easily comparable elements of the incarceration systems across the United States and the Netherlands. No country has a "perfect" incarceration system, and the incarceration system of the Netherlands should not be idealized as such. Therefore, this research gives as accurate an image possible of how we may use certain elements of this system in the U.S. but perhaps not of all elements. Rehabilitation is just one facet of a large system involved in lowering recidivism rates and must therefore be understood as a system that can aid in, but likely not fix the strain of prisoner re-entry.

Throughout the research process, many limitations occurred in which the trajectory of the research was altered based on the findings in order to manage these limitations. Of these limitations, perhaps the largest is a lack of publicly available

information regarding incarceration statistics within individual prisons, and an even larger lack of available information regarding the specific elements used in rehabilitative incarceration, and punitive incarceration. By looking at mission statements for some prison systems within the Netherlands, at least a baseline understanding of the goals of rehabilitative incarceration within the country was gained, however, it is impossible to know whether these goals are truly being carried out in the day-to-day lives of those who are incarcerated within these prisons. In the case of the United States, this inability to determine if rehabilitative practices are actually being carried out is especially difficult due to the partial reliance of the country on the private prison industry, as they are not required to nor inclined to report upon methods of incarceration and mission statements. Thus, this research was limited to what is publicly available which generally is information that does not shed a bad light on the incarceration systems.

On a more structural basis, this research has faced a large obstacle stemming from the selected method of historical comparisons between the Netherlands and the United States. Historical comparisons of data often faced many challenges because similar data cannot always be found across two topics, in this case the United States and the Netherlands. While in one country there is an excess of crucial statistics regarding a certain element of research to be found, those statistics are not always readily or publicly accessible within the other country. Additionally, other barriers persisted because of a cultural difference in research styles, as the resources of the Netherlands vary greatly from those in the United States, and thus this project relied on information about the Netherlands written in English, which is not always from the Netherlands

itself and often written within the United States. This created more secondary data that proved difficult to use as a scholarly source, because its original origins are often unknown. Thus, the largest barriers to the research process was in the acquisition of comparable facts and figures within both the United States and the Netherlands due to the exclusive nature of prison system information and primary source data on incarceration and societal statistics.

### **Definitions of Methods of Incarceration**

In order to combat limitations of the research process regarding inconsistent definitions of methods of incarceration, creating a clear understanding of what classifies as either a punitive or rehabilitative incarceration method was crucial. Though not all prisons implement solely one or the other method of incarceration, their website and advertisement data generally show a pattern in how they proverbially “deal” with their incarcerated persons. Through the use of website-listed mission statements of various prison complexes in both the Netherlands and the United States, the distinct categories of punitive actions and rehabilitative actions began to emerge.

The Judicial Complex of Zaanstad located in Westzaan, North Holland, Netherlands, provides an average prison initiative model in the Netherlands for the matter of this research. Zaanstad offers a comprehensive background and methods section on their website, including two main categories for Building and History - including medical assistance within the prison, and Reintegration - including programs for education (Zaanstad). This Netherlands prison boasts “possibilities for maximum self-reliance (individual freedom of movement) of offenders, to prevent hospitalization and better preparation for return to society,” as well as offering “vocational courses,

primary education and training courses that meet their needs (including language, social skills).” Together, these express statements of the Zaanstad prison system model an intended goal of their system of incarceration to rehabilitate rather than punish and contain criminal offenders.

Notable differences between Zaanstad vocational programs and like programs in prisons in the United States, are that Zaanstad offers non-traditional education opportunities for incarcerated persons. Typical to the United States and other typically punitive prison systems across the globe, most of these systems will allow for training in common employment areas such as food preparation service, warehouse work, industrial work, and other labor jobs. Zaanstad boasts opportunities for work beyond these typical practice areas, such as barista training, various specializations in construction, pastry shop work, laundry services, bicycle repair shop, clothing, and many other professional labor vocations. Upon release, therefore, previously incarcerated persons may have more opportunities for work than those simply limited to traditional and physical labor-intensive jobs such as construction work.

Looking to the United States as a source of primary punitive incarceration methods, it is not surprising to find a general lack of information of intended treatments of incarcerated persons, or simply a mission statement of any kind, especially in public and state funded prisons in the United States. Without rehabilitative efforts being made for incarcerated persons, mission statements declaring a lack of available programs to assist incarcerated persons would be outwardly ineffective at securing funding and/or garnering support of the institution. To bypass this, many incarceration institutions will simply forgo including any mission statements on their website and therefore leave the

assumption of treatment of incarcerated persons in that hands of the reader. Private prison institutions in the United States have proved more likely to include mission statements or “about” sections on their websites, though rehabilitative programs are still highly limited, reinforcing the United States incarceration system as mainly punitive in base nature.

One such incarceration institution in the United States who has provided a partial mission statement regarding their methods of incarceration is the California City Correctional Facility, which is a private prison owned by CoreCivic and staffed and operated by the California Department of Corrections. This incarceration institution provides a loose summary of their operation goals, as being designed to “offer inmates who, based on their own behaviors and choices, are ready to take full advantage of programming opportunities” and are intended to “incentivize and reinforce positive life choices” (CDCR CAC). These four programs listed include access to college degree programs, self-help groups, hobby and craft programs, and a dog program. For a prison that is presently housing over 2000 inmates, these few programs cannot be shared equitably amongst all individuals. Additionally, what is not directly noted on the operation goals, however, is that many resources are only available at the cost of the inmate themselves, and those who cannot afford said programming are barred from the rehabilitative aspects of the prison. Thus, the goal of these incarceration programs of rehabilitation are not truly to rehabilitate inmates, but rather to profit off those individuals who need help the most.

The United States reinforces the concept of “profit over people” in their incarceration systems, even when not explicitly written into a mission statement of an

institution. One of the inherent issues of so-called rehabilitative incarceration is clearly exemplified here, as there is simply no way to hold these institutions accountable for giving equal access of rehabilitative programming to all incarcerated individuals. Additionally, these programs intended to portray an image of rehabilitation do not address the underlying causes of criminal activity, but rather what we see as surface level criminal issues such as anger or desire to commit crimes. By providing limited opportunities of arts and crafts, self-help groups, and the presence of dogs, the prison fails to address the needs of its incarcerated persons post-release, in how to find housing, jobs, and engagement in positive institutions of society.

Mission statements such as those from the Judicial Complex of Zaanstad or even the California City Correctional Facility are intentionally made in order to project an image of an incarceration system that is aimed at rehabilitation. However, because these claims are merely statements, and not express outlines of the actions that all incarcerated persons in these incarceration systems are guaranteed to be allowed access to, it is often difficult to determine whether these proposed actions are truly being utilized within a prison system. One of the many limitations of incarceration research is a lack of accessibility to information regarding treatment of incarceration persons while inside prisons, and as such, our perception of treatment is limited to an assumption that these mission statements truly reflect said treatment. However, it is crucial to recognize that simple mission statements on a webpage of a specific incarceration institution rarely give the full picture, and even supposed rehabilitative techniques of incarceration can be ineffective at preventing crime and recidivism from occurring.

## **Chapter 2: Effects of Incarceration on Crime Rates**

Across the globe, incarceration methods have been implemented and understood most generally as a system intended to lower criminal activity within any given country. While we may see many other supposedly practical uses for a country that also come out of incarceration, such as a contractually obligated labor force, the express goal of most incarceration institutions throughout history has been to lower crime rates and/or keep criminals off of the street. By taking a further look at these intended goals, versus the actual product of incarceration when put into practice, a picture of the downfalls of incarceration methods begins to emerge. Specifically, when looking at a comparison of punitive incarceration methods versus rehabilitative incarceration methods, one might expect to see a difference in how a country's crime rates stack up, yet because of the high volume of other factors that influence crime rates within any given country, we cannot determine claim that incarceration methods themselves are the sole culprit of fluctuating crime rates. As such, the premise of this research is to examine rates of crime and recidivism alongside social support programming for societal inequalities to determine how systems of rehabilitative incarceration vary in effecting a country's criminal justice system as opposed to systems of penal incarceration, specifically in the cases of the Netherlands and the United States, respectively.

### **Crime Rates vs Total Crimes**

In a country such as the Netherlands where incarceration systems have been touted as the primary location for criminal rehabilitation and teaching of necessary re-entry skills, one might hypothesize that rehabilitation would provide lower rates of crime within the country. However, when looking at instances of criminal activity

within the country, this predicted pattern of lowered crime rates does not emerge in the manner one would expect. While at first glance, comparatively lower rates of crime in the Netherlands provide an illusion of less criminal activity occurring, other factors such as reporting rates or classification of what constitutes as a criminal action can have a large impact on the claimed crime rates of a country.

When comparing the total crime rates of every nation to one another, the Netherlands total crime rate, or more simply the total number of crimes committed in the country in one given year comes out to 1.42 million crimes (Nation Master). Compared to the United States which came through with 11.88 million crimes in 2002, the Netherlands appears at first glance to be controlling crime at a better pace. Additionally, though the United States has consistently ranked number one in total crime rates per year since the rankings began in 2002, this single fact only provides one facet of a larger picture of criminal activity. What is often failed to be recognized is the per-capita rates of crime in the Netherlands and the United States show a largely different picture, which must lead us to rethink initial conclusions regarding the effectiveness of crime control in the Netherlands. Per capita rates of crime in the Nation Master rankings refers to crimes committed per every 1000 people in a country. In the United States, this ranking comes out to place the US in 26<sup>th</sup> position, with rates at 41.29 per 1000 when this study was conducted in 2002. On the opposing hand, the Netherlands shows rates at 88.11 per 1000, with the ultimate ranking placing the Netherlands in 9<sup>th</sup> position on the list. When comparing crime rates of the country versus the total crimes committed during one given year, our original understanding of crime control vastly changes. No longer is a clear distinction between rehabilitative

methods of incarceration and punitive methods of incarceration evident through solely focusing on crime rates of a country, as the data between crimes per capita in each country shows a contrary image.

### **Behind the Calculations of Crime Rates**

Comparing crime rates and total crimes committed within a country such as the Netherlands and the United States is reliant on a clear and equal understanding of classifications of crime and rates of reporting said criminal activity. However, because the governing systems and public attitude of individuals in each of these countries varies so greatly, we cannot expect either of these factors to be reported, much less understood in the same manner as one another. What constitutes as a crime in one country might be an action that is legalized in another country, and thus the first country will report a higher instance of crimes because they have more actions that have been criminalized. These results will throw off an understanding of comparable crime rates between any two given countries, and thus, it is crucial that we look at all aspects of the criminal process in any country prior to comparing purely statistical data. From classifications of crime before any crime has been committed, to resources for previously incarcerated person post release, all aspects of criminal procedure will prove important in comparing the effectiveness of crime control of multiple countries.

Not all offences committed in the Netherlands are classified as crimes, and thus are not reported in yearly crime statistics. For example, the majority of minor offences committed in the Netherlands, such as public drunkenness or traffic offences, do not require a court appearance and incur no record, but are rather dealt with through custodial sentences. These custodial sentences may be divided into temporary or life

sentences, and range significantly from 1 day to 30 years, or in more serious cases, for a whole life tariff to only provide release upon a royal decree. In these more serious offenses, a criminal record will be recorded, and data is held for at least 30 years. However, the larger impact of these more lenient criminal proceedings is that crime rates for the Netherlands do not accurately reflect all crime that occurs, when much is not reported.

While crime rates in the Netherlands have been steadily decreasing from 1.42 million crimes in 2002, to 1.19 million crimes in 2016, the criminalization of certain activities has also decreased (Wermink, 2015). Namely, the Netherlands boasts some of the lowest rates of hard drug usage in Europe because of their education and government assistance. Rather than follow in the footsteps of countries like the United States, which largely used prohibition tactics and strict policing during their own drug epidemics, the Netherlands chose to take more preventative measures to the hard drug epidemic in the 1970's and 1980's by creating a distinction between "soft" and "hard" drugs. The effects of which were twofold. First, the Netherlands was able to gain control of their hard drug epidemic quickly, and now reports the lowest usage of hard drugs in the EU. Second, by creating measures that address the underlying issues of drug usage in the country, rather than strictly policing and criminalizing drug use, the Netherlands was able to prevent their prison systems from being overloaded with individuals who needed treatment rather than incarceration.

Individuals who are caught with soft drugs have been typically spared the burden of a criminal record or jail time. This served to both prevent crime rates from increasing and allow for smaller prison populations within the country. Overall, the

action of classifying drug usage as a non-criminal offense is an effective measure at aiding communities in lowering drug usage by providing assistance and government support for aiding in rehabilitation and preventing criminal proceedings. The pre-incarceration assistance programs from the government of the Netherlands are likely a factor in the steadily lowering crime rates of the country, rather than because of rehabilitative techniques of incarceration alone. These lowered rates of policing for drug usage create a further divide between our ability to compare the United States and the Netherlands, however, as the crime rates of the United States show drug offenses as a major source of crime. Since the Netherlands does not record many of these instances of drug usage as a form of criminal activity, our data is further skewed in a manner that rates of criminal activity in the Netherlands look smaller than they may actually be. Overall, differing data on what constitutes a crime, or how it is policed, will cause our data to provide a less than clear picture of what criminal activity truly is within a country, and we must therefore take into consideration all elements of criminal activity and procedure in both the Netherlands and the United States in order to understand the effects of varying forms of incarceration on crime rates within a country.

## **Chapter 3: Addressing Underlying Causes of Criminal Activity**

In neither the United States, nor the Netherlands, are their systems of incarceration based in the premise of providing life resources to incarcerated persons. While it may seem that a country whose incarceration system touts rehabilitative practices, these practices either do not happen in the manner that they are claimed to, or simply fail to assist incarcerated persons in a manner that will protect them post-release from succumbing to the hardships that may have led them to crime in the first place. It is a common claim of any incarceration system that their inmates are there due to an inability to make wise decisions for themselves, whether because of a lack of education, or drug use, yet what we commonly find is that people who commit crime do so out of a need for something. Most of these needs fall into a category of an underlying broader social issue, such as a lack of housing, job security, accessible education, food insecurity, or other large necessities of life. Because neither system of incarceration effectively addresses the underlying causes of crime in either the Netherlands or the United States, crime rates continue to fluctuate in both countries regardless of form of incarceration (i.e. punitive or rehabilitative). It is within the societal inequities that fail to assist individuals in procuring basic survival needs that the issue of incarceration truly arises.

### **The Netherlands**

While it is easy to assume that a country who values the rehabilitation of their incarcerated peoples finds crime to be lowered and community programming to be more readily available, crime statistics do not always show the full picture. In the Netherlands, while it may seem that the country has been comfortably reducing crime

because of the closure of multiple prisons within the country, and the slight decline in prison population rates, this crime reducing image is merely a façade of other underlying conditions of society itself. For instance in 2016 five prisons had closed in Amsterdam within the Netherlands, and since reaching a peak in 2006 the prison population total and prison population rate have in fact been steadily declining. However, crimes in the Netherlands are still happening at high rates. So the interrupt between these two facts falls into one of two categories:

The classification of crimes in the Netherlands has undergone a massive shift over the past several decades. The country is notorious for their tolerant drug policies that help to keep crime rates themselves lower, but don't technically cause "crime" to cease. The labeling of these drug activities, however, has simply ceased being calculated as an illicit activity in crime rate calculations. Additionally, the country has many issues associated with harder drugs such as heroin or cocaine, however, the police generally target supply chains rather than the users of these drugs themselves. Thus a smaller portion of individuals are being arrested for illicit activities, as opposed to the over policing done regarding drugs in places like the United States. Because more recreational drugs, such as cannabis for example, have been effectively decriminalized since the 1970s, it is an anticipated response that less rates of crime would be recorded if less actions are now being classified as criminal and worthy of incarceration.

Another gap exists within the reporting of criminal activity within the Netherlands as well. According to a report by the Netherlands Times, the gap between crime experienced by citizens and recorded crimes is around 3.5 million crimes large. In 2015 the police registered 960 thousand crimes, the bulk of them based on a victim

filing a report. But the annual victim survey of that year, conducted amongst 65 thousand people over the age of 15 years, showed that 18 percent of respondents were the victim of a crime in 2015, some more than once. Thus, the law enforcement of the Netherlands has insufficient capacity to detect crime itself, mainly relying on citizens and victims to report it.

What this means for the Netherlands is that crime is still a large issue for the country but it's not being addressed in a manner that lends to a higher rate of incarceration or reported crime rates. The Netherlands reports 1.42 million total crimes per year, compared to the United States value of 11.88 million, and as the United States rate is nearly 8 times larger, one must assume the classification of crimes in each country varies greatly (Nation Master, 2002). These notoriously tolerant drug policies, and lack of systems in place for effective detection of crime lend to the large gap we are finding between incarceration rates in the country and crime itself. Additional information which corroborates the theory of plentiful crime in the Netherlands may come from data that shows shorter sentences, looser definitions of what constitutes a crime, and other societal factors. These give the statistical illusion that illicit activities are down. An article on the topic stated that “there is also speculation that crimes rates are actually much higher than recorded in the Netherlands, as many citizens don’t report common offences such as burglaries or bike theft” (Coggins, 2018).

Additionally, low levels of poverty coupled with high social welfare standards, as well as population aging is another claim of the Netherlands to how they allegedly curb the number of at-risk young people. This claim, however, assumes that the Netherlands addresses all social welfare needs of its constituents. The true fact of the

case is that nearly 2.5 million people within the Netherlands live below the poverty line. The Netherlands has a population of 17 million, meaning that nearly 1 and seven people, or 14% of the country lives below the poverty line. Living below this line means that 14% of people within the country are likely excluded from having all of their needs met, which is a common starter for criminal behaviors. The public facing messages and philosophies that prisons within the Netherlands provide is of its incarcerated peoples being fully rehabilitated by the time of their release, lending itself to a “cure” for criminal activity. Yet if the reasons the people committed crimes in the first place are unable to be addressed even by rehabilitation itself, then what stops individuals from returning to life of crime in order to survive. The Netherlands is able to curtail further discussion of these unaddressed issues of society by continuing to advertise their lowering rates of prison populations and the influx of closing jails.

### **The United States**

In a country that boasts the highest prison population rate per 100,000 people of all measured countries in the world, it comes with no surprise that the criminalization of actions, and what classifies as a crime, is very broad. However, the public assistance required to make many of these currently criminalized actions not seen as inherently negative acts is lacking. Take for instance the illegal activity of public loitering – in the United States in many public and private locations, an individual can be arrested for simply remaining in an area without any intent. These public loitering laws specifically target homeless individuals, to make standing, sleeping, or merely existing in a certain area illegal, essentially criminalizing the status of being homeless. National research shows that up to 15% of individuals in the prison system in the United States had

experienced homelessness within a year prior to being arrested. If funding for maintaining high capacities in prisons in the US was reallocated to housing initiatives, or if currently illegal activities such as loitering were decriminalized, we could expect to see a large decline in prison populations in the United States.

Presently, instead of seeing a decline in prison populations with the decriminalization of certain crimes, we see prison populations increasing, and a façade of rehabilitation within the prison system that will supposedly prevent these individuals from committing future crimes. This criminalization of certain crimes such as loitering, however, have been longstanding traditions of law dating back to the Civil War, in which Black individuals were outlawed from “standing still” and “moving around” in order to procure more of a labor force via incarceration (Franklin 1998). The definitions of what is classified as a crime thus has changed over time to reflect the needs of the labor force, capitalizing on the actions that impoverished and vulnerable persons committed in order to survive. These actions usually being caused by a lack of social support from society, such as in housing, education, the workforce, etc. If these underlying causes of criminal activity were rather addressed, such as in the case of loitering, we might serve to lower crime rates in the country by preventing people from being incarcerated in the first place, regardless of the effects of recidivism.

Similar patterns modeling the issues with the primary focus of incarceration being on locking people up rather than addressing the underlying causes of crime can be found with models such as the California three strikes law. For instance, California counties in which the three strikes law of mandatory sentencing is used strictly report less decreases in crime than counties that use the law sparingly. In the case of three

strikes laws, we see that increased cases of incarceration due to stricter policing provide worse results of lowering crime rates in general, meaning that incarceration itself is not the key to lowering crime. More simply of an example would be cases of individuals who are repeatedly unable to pay a fine, subsequently fail to appear at their scheduled hearing, and are thus arrested and imprisoned because of this non-violent crime. Rather than incarcerating these individuals for failing to appear in court, the United States should make it a goal to rather look at the why of the matter to determine why someone cannot pay the fine and attend their court date and should then seek to provide assistance to address the underlying causes of crime. While there may always be exceptions to these matters, such as is someone is purposely refusing to pay fines and appear in court, or repeat offending without cause, it is important that society seeks to address the underlying issues that may be occurring to prevent someone from committing crimes such as failure to pay a fine before resorting to incarceration methods for individuals who truly have malicious intent.

### **Increasing Poverty Rates**

In both the Netherlands and the United States, criminal activity and incarceration rates have failed to substantially decrease in response to efforts of so-called rehabilitation. While the aggregate data of crime rates in both the Netherlands and the United States show lowered rates of criminal activity, what is truly being modeled is a decrease in classifications of crimes such as in lenient drug policies. What continues to rise despite the mediocre lowering of crime rates are cases of need for social welfare programs in both countries. Crime continues to persist in both countries, regardless of the method of incarceration being employed, and rates of poverty and need

of social welfare programs continue to increase. A correlation can be found between lowering rates of poverty and lowering rates of crime and incarceration, and as such, and understanding of the need for these welfare programs can be understood.

While in the Netherlands, prisons are continuing to shut down, it is also relevant to understand that less crime is being tracked by local police and overall government entities, which provides tricky data to navigate when attempting to compare crime rates of different countries. As less actions are being considered to be criminal in the Netherlands, the aggregate data of crime rates decreases, yet the underlying causes of crime are not being addressed. Through an understanding of the current procedures of the Netherlands in calculating crime rates, such as relying on public reports of crime rather than policing monitoring which effects rates of recorded crime, we see that crime rates do not accurately reflect the crime that occurs within the country. Perhaps the largest factor that causes a persistence of crime in the country, regardless of rehabilitative methods of incarceration, is the increasing rates of poverty and instability in society in the Netherlands. By focusing on rehabilitative methods of incarceration rather than addressing these underlying issues of the country such as increasing poverty rates which lead to an influx in criminal activity, essentially, criminal activity is incorrectly labeled as an issue resolved through incarceration rather than community assistance programs.

Over the past several years, the Dutch government has annually decreased their social assistance benefits originally implemented in 2011 in order to encourage more people to work. In 2021, however, an increasing proportion of individuals in the Netherlands will be on benefits for falling below the poverty line. Additionally, in the

coming years it is estimated that poverty in the Netherlands will increase from 5.3 to 6.8 percent unless a new cabinet policy and increased social assistance benefits are implemented. With poverty rates increasing, and social assistance benefits decreasing, it is likely that an increase in crime will occur as people struggle to get the basic necessities they need to survive. This increase in crime has traditionally had the effect of increasing harsher policing and penalties, but instead should be recognized as a call for additional social assistance programming. By assuming that all crime is solved through more stringent policing, the need for social assistance programs to combat crime is essentially swept under the rug.

In the United States, increases in criminal activity are similarly dealt with by introducing more stringent and harsh policing and penalties. While violent crime rates in the United States are down, crime rates for most other types of crime continue to run rampant within the country, and what else runs rampant are rates of poverty. Many facets of poverty have proved to be an issue for the country and have prevented rates of crime from decreasing in any substantial way, for instance: housing markets and lacking numbers of available low-income housing provides a massive barrier in the United States for basic living needs; the allowance of the felon box on employment forms continues to be a barrier for engagement in institutions post-release of previously incarcerated persons; racial injustices make rates of arrest for people of color and especially low-income POC incredibly high - especially if a prior felon. Essentially, as poverty fails to be addressed in the United States, the reason for criminal activity to continue stays elevated. Additionally, as the prison system in the United States continues to vastly fluctuate in crime rates, the country further exacerbates the cycle of

incarceration as more room in prisons means more beds that must be filled to keep funding. Thus, the root causes of criminal activity are not addressed, and rather hidden under increasing quotas of prison bed counts and increased policing. If the Netherlands and the United States both were to focus on the underlying causes of crime, being poverty and need for social assistance programs, rather than on increasing police involvement in society, the outcomes of crime rate reduction would likely be immense and begin to address the greater issues of criminal intent.

## **Chapter 4: Public Perception of Methods of Incarceration**

Methods of rehabilitative incarceration are often touted as some of the best possible methods of incarceration and criminal sanctions. Because of their emphasis on improvement of the individual who has committed criminal actions, it seems as though this method of incarceration would prove beneficial to the reduction of recidivism rates in a country. Generally, the public perception of rehabilitative incarceration, particularly in the Netherlands, follows suit with support for this method of incarceration coming out as higher than that of most any other method. Conversely in the United States, punitive incarceration holds little public support and is often touted as detrimental to both the individuals who experience the incarceration, and to society as a whole. Exploring the public sentiment of methods of incarceration is important to thus understand how information regarding incarceration is spread, and how research on incarceration can be widely spread in an influential manner as to help people in power make decisions that reflect the best possible methods of lowering crime rates. Many countries view different forms of incarceration in a better light than others, without recognizing that each method of incarceration has inherent downfalls that prevent the lowering of crime and recidivism rates.

### **Netherlands Rehabilitative Incarceration**

Primarily used in the Netherlands is the system of rehabilitative incarceration, which claims a person-centered approach to rehabilitating the individual claimed to have criminal intent. Of these methods of rehabilitative incarceration used within the prison systems, a focus has traditionally been placed on helping incarcerated individuals learn to participate in institutions post-release, such as education, religious

organizations, or other societally beneficial activities. These intentions of rehabilitation seem in good faith yet overlook the many aspects of why many people resort to crime. Often times it is not from a lack of social participation that people commit crimes, but rather from a place of need for something in society, i.e. housing, food, financial security, etc. Without an understanding of how crime is instigated alongside the discussion of rehabilitative methods of incarceration, this method of incarceration seems at face value to address the needs to incarcerated persons. However, once we delve further into the underlying causes of crime and illegal activities, it becomes clear that the societal perception of this method of incarceration is lacking in a comprehensive evaluation of criminal reform.

Rates of crime in the Netherlands additionally create a façade of rehabilitative incarceration being highly effective, which only plays into the public perception of rehabilitation as a positive end-all solution to crime. The *Algemeen Dagblad* Newspaper of the Netherlands, a household news name, posts their own annual crime report which found that while crime rates were reducing, large cities such as Amsterdam, the “crime capital” of the Netherlands, and rural areas have been consistently facing issues with reported crime, such as burglaries or thefts, and are finding it harder to reduce crime (Algemeen Dagblad, 2017). The Netherlands is thus often touted as a relatively safe country in most locations due to its low violent crime rates, but rates of violent crime do not account for most criminal activities such as burglaries or theft. Therefore, while the public may view rehabilitative incarceration as a superior method of incarceration, we see that it still fails to address criminal activity in the country completely, when other underlying causes of crime have been shown to continue their prominence.

## **United States Punitive Incarceration**

It is a well understood fact that the United States has consistently come in at number one on the rankings of countries with the highest prison population rate, with 655 incarcerated persons per 100,000 of the national population. These high rates of incarceration were founded through no simple task, but rather through years of oppression of people of color and those experiencing poverty. Though the United States also comes in at number 3 for the largest labor force, historically, the prison population has not been included in these rankings. Thus, the public perception of incarceration in the United States has generally been negative from the beginning, and methods of punitive incarceration which have long been touted as “legalized slavery” corroborates that public perception further. Punitive incarceration which fails to address the needs of incarcerated persons in the United States has clear flaws, and the rise of public outcries over the method of incarceration makes those flaws clearer than ever before. Thus, the population is looking to methods of incarceration or abolition that can both lower rates of criminal activity and assist people convicted of crimes in a humane manner, such as is the public understanding of rehabilitative incarceration.

Public perception of current methods of incarceration in the United States are based in the history of the country in correlation to incarceration. The increasing incarceration rates in the United States throughout history has long been connected to a capitalization of labor through incarcerating impoverished individuals, particularly Black Americans. The justification of these incarceration techniques, however, is wholly reliant on what actions society presently identifies as a “threat” - essentially, what society thus classifies as a crime. If society can thus change classifications of

crime depending on the “threat” of the moment, there is no required consistency of crime classifications, and as Ruth Gilmore in her book the *Golden Gulag* claims, “while common sense suggests a natural connection between ‘crime’ and ‘prison,’ what counts as crime in fact changes, and what happens to people convicted of crimes does not, in all times and places, result in prison sentences. Defined in the simple terms of the secular state, crime means a violation of the law. Laws change, depending on what, in a social order, counts as stability, and who, in a social order, needs to be controlled” (Gilmore, pg. 12, 2007). Therefore, because crime is not fixed the relationship that crime has to prisons in the United States is forged by a need for social control and imposed hierarchy.

Prisons as a whole in the United States are thus incapable of producing stability if they are reliant on a changing definition of crime, and this is not a concept generally shared with the public. Instead, the public is told that incarceration and lowering of crime rates in the United States can be improved simply by introducing more humane and “helpful” methods, such as in rehabilitative incarceration. The public perception of how to improve incarceration is thus based in an incorrect claim that our present system of incarceration has the capacity to be changed regardless of being built on inherently racist and abusive grounds. Without fully rebuilding the system of incarceration we know today in the United States, there is no way to have a system without roots of racism and abuse that sneak into even present-day structures of incarceration

## **Chapter 5: Conclusions**

Crime and poverty in both the United States and the Netherlands are inherently connected to one another. Where people lose the ability to get by in public society without resorting to crime, is where the breakdown of understanding in incarceration methods begins. By locking individuals up and even by claiming a progressive approach of rehabilitating said incarcerated persons, these actions are merely overshadowing the root causes of criminal activity but claiming that incarceration is the only way to keep the streets safe. The breakdown in public understanding of how incarceration methods are truly used in both the United States and the Netherlands is a product of profiting over the labor of incarcerated persons. The issue is two-fold, as we may understand that reducing prison populations reduces the profit coming out of the prison via the labor force, as well as how social support programs cost a large amount of money to implement in society. Shifting ideals from punitive incarceration to rehabilitative incarceration methods, we see that both of these methods require a cost to society, yet what is rarely considered is the cost of crime itself to society, which could be mitigated through social assistance to prevent crime in the first place. The cost of social assistance programming is drastically outweighed by the need for basic human needs such as housing, education, and job stability, and as such, a reevaluation of the premise of incarceration as a whole is needed by every citizen to understand the need for an overhaul in incarceration.

### **Effects of Recidivism**

While it is easy to assume that any country who values the rehabilitation of its incarcerated peoples must be doing adequately and its crime prevention, the

Netherlands has shown that that is not always the case. The Netherlands still has a comparatively high crime rate, being ranked at 34th in the world, and total crimes per 1000 in the Netherlands is 88.11, meaning that it is the ninth ranked country in the world for crimes per capita, despite the touted rehabilitation of its incarcerated individuals. Thus, it is clear that there is something more at stake that is causing people to commit crimes rather than a need for rehabilitation itself. In fact, recent recidivism data for the Netherlands corroborates nearly the same story, as the previous decline of recidivism rates has slowed to a near negligible yearly change, and poverty rates only continue to rise (Wartna, 2015).

In the Netherlands, recidivism data is measured on a yearly basis, providing a simple look at the trends of recidivism alongside rehabilitative incarceration methods. In order to break down these reconviction rates, the yearly study done on recidivism in the Netherlands uses six types of data: type of offense, type of sanction, gender, age, nationality, and criminal record, though data linkage is still in an experimental phase (Wartna, 1970). Using adjusted rates of reconviction looking at a four-year study done from 2009 to 2012, rates of recidivism for ex-prisoners in the Netherlands declined only from 47.6% to 47.1%, showing a yearly average decline of 0.08% (Wartna, 2015). As well with the category of adult offenders, rates of recidivism decreased merely from 25.4% to 25.0% over the same four-year period, showing a yearly average decline of 0.1%. Thus, despite data by the national government of the Netherlands claiming a constant decline in recidivism rates, this minute yearly decline leaves much to be desired in terms of preventing crime from recurring in the country.

Perhaps more even in the United States than the Netherlands, trends of recidivism rates in the country show an ineffectiveness of incarceration alone to lower reconviction and crime rates, especially without a combination of social assistance programs to supplement the prison system. Recent recidivism trends in the United States from the Bureau of Justice Statistics from a study conducted from 2005 to 2018 show that recidivism rates of those involved in the study increased greatly over the 13-year period. The Bureau of Justice estimated that 68% of released prisoners in the study were arrested within 3 years, 79% within 6 years, and within 9 years, nearly 83% were reconvicted (BJS, 2018). These astounding rates of recidivism within the United States may be indicative of the downfalls of punitive incarceration, or likely could also indicate a lack of social assistance programs available to general society and recently released prisoners. Also notable in the United States is that people who were convicted of violent and sexual offenses are of the least likely groups to be rearrested post-release compared to those arrested for property, drug, or public order offenses. Thus, a further possible connection is formed between crimes committed out of lack of public resources rather than an intent to commit a crime, which is visible most clearly through said recidivism data (Wagner, 2020).

Doctor Cheryl Lero Jonson of Xavier University studied the effects of incarceration on recidivism rates in the United States in her 2011 article “Prisons Do Not Reduce Recidivism: The High Cost of Ignoring Science,” and wrote of a similar claim that incarceration methods simply don’t aid in lowering recidivism rates. She claims that “one of the major justifications for the rise of mass incarceration in the United States is that placing offenders behind bars reduces recidivism by teaching them

that ‘crime does not pay’,” and this stated intent of incarceration shows the misguided intended goals and areas of improvement for the incarceration system of the United States as a whole (Jonson, 2011). By looking at incarcerated individuals as people who attempted to use criminal behavior for their own personal gain, rather than the often-true statement that many of these individuals were simply trying to get by with what little assistance they may have had, the United States incarceration system has chosen to focus on the wrong understanding of crime and recidivism. As such, in order to lower recidivism and crime rates within a country such as the United States, the understanding of crime must be redefined to include cases of individuals who have been bet against from the beginning due to a lack of social program support.

### **Inextricably Tied**

Many of the issues of countries like the Netherlands and the United States in their continued height of crime and recidivism rates come from society's views today that in order for criminal activity to be solved, the solution is simply by placing people in institutions wherein they are no longer able to perpetrate crimes. It is often believed that these incarcerated persons are rehabilitated either by the practice of being locked up, or by programs within the incarceration institution that teach life skills, and thus no longer feel the need to commit criminal activities. However, the inaccuracies within this belief stem from before incarceration begins itself - in the root causes as to why people resort to crime, and why people still often resort to crime after release from incarceration in order to live.

This research has shown that increasing rates of poverty in both the Netherlands and the United States have created a cyclical crime system that many are unable to

escape. Without steady housing, income, and other factors such as food insecurity, lack of insurance, or good education due to low-poverty school systems, individuals without a strong support system to rely upon in uncertain times are often forced to resort to crime in order to survive. Once released from prison, these individuals likely continue to face unstable housing situations, low-income and unstable jobs if they are able to find work, and many other hardships that often throw them right back into the incarceration system. While movements such as Ban the Box have come out of a recognition that post-release life for previously incarcerated individuals often comes with more hardships than before prison, these movements can only do so much for people who have already been incarcerated. These movements often fail to address the pre-incarceration hardships that lead to criminal activity in the first place. Additionally, just as these movements often focus on the wrong element of incarceration needing assistance, prison systems which focus on rehabilitative efforts build a straw man in front of the actual issues on inequality in society. Thus, rehabilitative efforts have been set up to fail because of the societal barriers that exist beyond teaching people the wrongs of criminal activity and how to manage criminal beliefs.

Thus society (the Netherlands and the United States in this case) is in need of an overhaul of our understanding of criminal activity itself, as criminal activity is forged from a need for something. That something may be affordable housing, education, or opportunities for employment, yet regardless, it is a rare circumstance in which an individual commits a crime solely for the reason of committing a crime. Incarceration is not a magic fix to criminal behavior, as in most cases, like we see in both of the Netherlands and the United States, the reasons that people committed crimes before

their first incarceration are likely to still exist after they have been released from incarceration, regardless of if it was rehabilitative or punitive. In many cases, these hardships that these individuals face are exacerbated by incarceration upon release and it may prove even more difficult to find housing, jobs, or the resources for education. Incarceration may work in those rare circumstances in which individuals commit crimes without a prior need for something, however, systems of social support within society would serve the same purpose even in these cases as incarceration is currently intended to. Essentially, this data and research has shown that current methods of incarceration whether punitive or rehabilitative, have been shown to be ineffective in truly reducing criminal activity in either the United States or the Netherlands, and that a system of societal support in another fashion, whatever that may be, would be better suited to aiding individuals in their pursuits of life that may have previously relied on crime.

### **Future of Incarceration**

Using the Netherlands as an exploratory example of a country with more progressive ideals of incarceration than the United States, the original claim of this research was for this data to be used as a persuasive argument for the U.S. to adopt rehabilitative ideals. Yet despite these intentions being set, the data discovered throughout the course of this research tells a different story, as rehabilitative incarceration contains many downfalls in and of itself. The future of incarceration in the United States and quite possibly the Netherlands as well thus must come from a reevaluation of the ideals of the countries themselves. The United States system of incarceration was built upon ideals that called for the oppression of people of color and abuse thereof of their labor within an incarceration setting. The present methods of

punitive incarceration, as such, have been forged out of this premise of punishment for individuals who meet certain criteria such as race or income, and therefore cannot easily be reframed in the context of rehabilitation.

In the Netherlands, the present system of rehabilitative incarceration portrays a façade of a system encouraged to help incarcerated persons gain footing back in their lives post release. Yet, the system presently in place fails to wholly address the underlying causes of crime, and in fact has overshadowed the need for additional social welfare programs in the country. As rates of poverty continue to increase in the Netherlands, so too does the need for a restructuring of incarceration, as using incarceration as a supposed cure for criminal activity has failed to address the underlying causes of crime in the first place. As well in the United States, increasing poverty rates and decreasing instances of social assistance have created an influx of criminal activity that many deem necessary for themselves and loved ones to get by within society. Current methods of incarceration in both the Netherlands and the United States have created a complacency of society to displace people who need societal assistance into prisons in a so-called attempt to control crime and even reform the incarcerated person, yet we see that neither desired result has come out of punitive nor rehabilitative incarceration.

The future of crime reduction in societies as focused on capitalistic endeavors as that of the United States poses a difficult question, as drastic change may be needed, yet not truly appreciated or understood by society. Perhaps studies like this may help to encourage further research and implementation of community assistance beyond incarceration that can help deal with raising crime rates, yet without data such as this

becoming widespread knowledge, the uprising needed to enact such large-scale change seems improbable. Thus, we must look to other models of dealing with crime beyond that of incarceration in order to understand how countries like the United States and the Netherlands can lower rates of crime without the oppressive state of incarceration. Locking people up does little more than to change their location, and feeds into the endless cycle of crime and incarceration that comes from a lack of social assistance.

## Bibliography

- “California City Correctional Facility Details & History.” California City Correctional Facility (CAC), California Department of Corrections and Rehabilitation, 18 Nov. 2020, [www.cdcr.ca.gov/facility-locator/cac/](http://www.cdcr.ca.gov/facility-locator/cac/).
- Clarke, Matthew. “Long-Term Recidivism Studies Show High Arrest Rates.” *Prison Legal News: A Project of the Human Rights Defense Center*, Prison Legal News, 3 May 2019, [www.prisonlegalnews.org/news/2019/may/3/long-term-recidivism-studies-show-high-arrest-rates/](http://www.prisonlegalnews.org/news/2019/may/3/long-term-recidivism-studies-show-high-arrest-rates/).
- Coggins, Tom. “Why Crime Rate in the Netherlands Is So Low?” Culture Trip, The Culture Trip, 18 Oct. 2017, [theculturetrip.com/europe/the-netherlands/articles/why-crime-rate-in-the-netherlands-is-so-low/](http://theculturetrip.com/europe/the-netherlands/articles/why-crime-rate-in-the-netherlands-is-so-low/).
- Downes, David. *Contrasts in tolerance: post-war penal policy in the Netherlands and England and Wales*, p. 44. Oxford: Clarendon Press, 1993.
- Downes, David. (2007) *Visions of Penal Control in the Netherlands*, pp. 95-96. University of Chicago Press, 2007.
- Garland, David. *The Culture of Control: Crime and Social Order in Contemporary Society*.: Oxford University Press, March 22, 2012. Oxford Scholarship Online. Date Accessed 22 Nov. 2020  
<<https://oxford.universitypressscholarship.com/view/10.1093/acprof:oso/9780199258024.001.0001/acprof-9780199258024>>.
- Gilmore, Ruth Wilson. *Golden Gulag: Prisons, Surplus, Crisis, and Opposition in Globalizing California*. 2nd ed., University of California Press, 2018.
- Gramlich, John. “U.S. Incarceration Rate Is at Its Lowest in 20 Years.” *Pew Research Center*, Pew Research Center, 30 May 2020, [www.pewresearch.org/fact-tank/2018/05/02/americas-incarceration-rate-is-at-a-two-decade-low/](http://www.pewresearch.org/fact-tank/2018/05/02/americas-incarceration-rate-is-at-a-two-decade-low/).
- “Highest to Lowest - Prison Population Rate.” World Prison Brief, [www.prisonstudies.org/highest-to-lowest/prison\\_population\\_rate?field\\_region\\_taxonomy\\_tid=All](http://www.prisonstudies.org/highest-to-lowest/prison_population_rate?field_region_taxonomy_tid=All).
- Hollin, Clive R. “Treatment Programs for Offenders: Meta-Analysis, ‘What Works,’ and Beyond.” *International Journal of Law and Psychiatry*, vol. 22, no. 3-4, 1999, pp. 361–372.
- Irwin, John. *The Warehouse Prison: Disposal of the New Dangerous Class*. Los Angeles, Calif: Roxbury Pub. Co, 2005. Print.

- Jacobson, Jessica, Catherine Heard, and Helen Fair. "Prison: Evidence of its use and over-use from around the world." (2017)
- Jonson, Cheryl L., and Daniel S. Nagin. "Prisons do not reduce recidivism: The high cost of ignoring science." *The Prison Journal* 91.3\_suppl (2011): 48S-65S.
- Kempen, Piet Hein Van, et al. *The Criminal Justice System of the Netherlands: Organization, Substantive Criminal Law, Criminal Procedure and Sanctions*. Intersentia, 2020.
- "Netherlands." *WorldCat Identities*, OCLC, 1 Jan. 1979, [worldcat.org/identities/nc-netherlands/](http://worldcat.org/identities/nc-netherlands/).
- "Netherlands vs United States Crime Stats Compared." Nation Master: Global Industry Market Sizing, Nation Master, 2002, [www.nationmaster.com/country-info/compare/Netherlands/United-States/Crime](http://www.nationmaster.com/country-info/compare/Netherlands/United-States/Crime).
- Pager, Devah. "The mark of a criminal record." *American journal of sociology* 108.5 (2003): 937-975.
- Phelps, Michelle S. "Rehabilitation in the Punitive Era: The Gap between Rhetoric and Reality in U.S. Prison Programs." *Law & society review* vol. 45,1 (2011): 33-68. doi:10.1111/j.1540-5893.2011.00427.
- Pratt, John. *The New Punitiveness [electronic Resource]: Trends, Theories, Perspectives / Edited by John Pratt ... [et Al.]*. Cullompton, Devon;: Willan Pub., 2005. Print.
- Shames, Alison and Ram Subramanian, "Sentencing and Prison Practices in Germany and the Netherlands: Implications for the United States." (2013)
- Tak, Peter, J. (2001) *Sentencing and Punishment in The Netherlands*, p. 161. New York: Oxford University Press, 2001
- Van Kempen, P.H.P.H.M.C., Krabbe, M.J.M., & Brinkhoff, S. (Eds.). (2019). *The Criminal Justice System of the Netherlands: Organization, substantive criminal law, criminal procedure and sanctions*, p. 31. Cambridge
- Van Marle, H. "Forensic psychiatric services in The Netherlands." *International journal of law and psychiatry* vol. 23,5-6 (2000): 515-31. doi:10.1016/s0160-2527(00)00049-2
- Wagner, Wendy Sawyer and Peter. "Mass Incarceration: The Whole Pie 2020." *Mass Incarceration: The Whole Pie 2020 | Prison Policy Initiative*, 24 Mar. 2020, [www.prisonpolicy.org/reports/pie2020.html](http://www.prisonpolicy.org/reports/pie2020.html).

Wartna, Bouke SJ, and Laura TJ Nijssen. *National studies on recidivism: an inventory of large-scale recidivism research in 33 European Countries*. WODC, 2006.

Wartna, Bouke SJ, et al. "2015 Recidivism Report: National Figures for the Reconviction Rates of Offenders Punished in the Period between 2002 and 2012." ResearchGate, 1 Apr. 2016, [www.researchgate.net/publication/325780601\\_2015\\_Recidivism\\_Report\\_National\\_figures\\_for\\_the\\_reconviction\\_rates\\_of\\_offenders\\_punished\\_in\\_the\\_period\\_between\\_2002\\_and\\_2012](http://www.researchgate.net/publication/325780601_2015_Recidivism_Report_National_figures_for_the_reconviction_rates_of_offenders_punished_in_the_period_between_2002_and_2012).

Wermink, Hilde, et al. "Expanding the Scope of Sentencing Research: Determinants of Juvenile and Adult Punishment in the Netherlands." *European Journal of Criminology*, vol. 12, no. 6, Nov. 2015, pp. 739–768, doi:10.1177/1477370815597253.

Zaanstad, Judicial Complex. "General Information." *Custodial Institutions Agency: Ministry of Justice and Security*, [www.dji.nl/locaties/z/justitieel-complex-zaanstad/algemene-informatie](http://www.dji.nl/locaties/z/justitieel-complex-zaanstad/algemene-informatie).

"2018 Update on Prisoner Recidivism: A 9-Year Follow-up Period (2005-2014)." Bureau of Justice Statistics (BJS), 23 May 2018, [www.bjs.gov/index.cfm?ty=pbdetail&iid=6266](http://www.bjs.gov/index.cfm?ty=pbdetail&iid=6266).