

## TRENDS IN THE CRIMINAL JUSTICE SYSTEM

The U.S. prison system has grown at an alarming rate over the past two decades. Despite the fact that overall crime rates have decreased, the number of people under the control of the criminal justice system has skyrocketed, along with the amount of money spent on surveillance, policing, and incarceration. Marginalized communities, especially communities of color, are targeted by and overrepresented in the system. And, despite claims about rehabilitation, the criminal justice system remains focused on punishment.

### CRIME IS ON THE DECLINE.

**In the past 30 years, overall crime rates have fallen appreciably.**

- Despite widespread public perception that crime rates have skyrocketed, the reality is that violent crime and property crime have been on the decline.
- Violent crime has steadily declined from 51.2 incidences per 100,000 people in 1994 to 21.0 incidences per 100,000 people in 2003—the lowest level ever recorded.<sup>1</sup>
- Since 1996, violent crime has been at lower levels than at any other time in the past three decades.<sup>2</sup>
- Property crime has been on a steady decline since 1993.<sup>3</sup>
- Homicide rates have declined to low levels last seen in the late 1960's.<sup>4</sup> The homicide rates in 2001 and 2002 were 5.6 per 100,000 people, the first such rate since 1966.<sup>5</sup>
- While people in the United States are between 3 and 10 times more likely to be killed than in comparable countries, homicide is still a relatively rare crime, and most of today's offenders are incarcerated for crimes that are far less serious than murder.<sup>6</sup>

### THE PUBLIC'S PERCEPTION REGARDING CRIME IS INACCURATE.

**Public perceptions of the crime rate are skewed by the media and political campaigns.**

- ***Between 1992 and 1996, there was a 20% decline in homicides but a 721% increase in coverage of homicides on major news channels.*** Because 76% of the public's opinions on crime are formed based on what they see or read in the news,<sup>7</sup> the fact that the increase in media coverage coincides with a sixfold increase of people ranking crime as the number one problem facing America between 1992 and 1993 is not surprising.<sup>8</sup>
- ***Media coverage adds to bias in many ways.*** In California, for example, 70% of news stories about violence involve youth, even though only 14% of violent crime arrests involved youth.<sup>9</sup>
- ***Contemporary crime news focuses on the rarest types of crime, such as murder and robbery.*** Although they comprise less than two tenths of 1% of all arrests, murders account for between 27% and 29% of all crimes reported on the evening news.<sup>10</sup>

## **Political campaigns that emphasize crime strongly correlate with a subsequent fear of crime.**

- ***Political campaigns and public initiatives that highlight crime may increase concern over crime.*** For example, in June 1993, just before a legislative debate over anticrime legislation began, only 7% of people polled declared crime to be the nation's biggest problem. By August 1994, the percentage of people most concerned about crime reached 52%. Gallup Poll analysts reported that this increase was a result of the focus on crime and the crime bill by President Clinton and the media.<sup>11</sup>
- ***The public is often misinformed about crime.*** In 2000, 47% of people believed that there was more crime in the United States than the prior year while the arrest rate for index crimes had actually declined 6.6% from 1999 to 2000.<sup>12</sup>

## **THE PRISON SYSTEM IS GROWING.**

### **The number of adults in the correctional population has been increasing while crime rates have declined.**

- The number of inmates in state and federal prisons has increased by more than six times from less than 200,000 in 1970 to 1,380,776 by midyear 2003. An additional 691,301 people were held in local jails.<sup>13</sup>
- The growth in state and federal prisons from midyear 2002 to midyear 2003 (40,983 people) was the largest since 1999, and exceeded the growth of 2000 and 2001 combined.<sup>14</sup>
- The number of persons on probation and parole has been growing radically along with institutional populations. There are now 6.7 million Americans incarcerated or on probation or parole, more than a 265% increase since 1980.<sup>15</sup>
- An estimated 12.8% of black males, 3.7% of Hispanic males, and 1.6% of white males in their twenties were imprisoned at midyear 2002.<sup>16</sup>

### **U.S incarceration rates, expenditures, the number of employees and the number of prisons built are all increasing.**

- ***The United States has the highest incarceration rate in the world.*** The midyear 2003 United States rate of incarceration of 715 inmates per 100,000 is the highest reported rate in the world, far ahead of Russia's rate of 584 per 100,000.<sup>17</sup>
- ***The percentage of incarcerations for drug offenses is drastically increasing.*** By the year 2000, the increases resulted in over 450,000 drug offenders being incarcerated in U.S. prisons and jails—approximately the size of the entire US prison and jail population of 1980.<sup>18</sup>
- ***Direct expenditure on the criminal justice system is increasing by billions of dollars a year.*** This is true for each of the major criminal justice functions (police, corrections, and judicial).<sup>19</sup> The total cost of the criminal justice system, including police, prisons, and courts, was \$147 billion in 1999, the last year for which data is available. That is more than four times the \$36 billion spent on the system in 1982. Federal, state, and local expenditures increased every year in the 1990s, even as crime fell during the decade.<sup>20</sup>
- ***More people are being hired to work in the criminal justice system.*** In 1982, the criminal justice system employed about 1.27 million people. By 2001, over 2.2 million people were employed. The number of people working in police protection has increased to over a million people. The total number of judicial and legal employees grew 97% between 1982 and 2001. Corrections employment more than doubled over the same period.<sup>21</sup>

- **More prisons are being built.** In 2000, 24 new prisons opened in the United States, and as of January 1, 2001 there were 39 new prisons under construction. About 58,422 new beds will be added by prison construction or additions underway on January 1, 2001.<sup>22</sup> From 1990 to 1995 State and Federal prisons added 213 new facilities, 280,000 beds, and increased capacity by 41%, but yet prisons were still operating above capacity. Compared to earlier census projections, slower prison construction still kept pace with prison capacity. This means that even with the large increase in prison construction, more people are being incarcerated than ever.<sup>23</sup>

## THE PRISON SYSTEM INCARCERATES THE MARGINALIZED AND UNDERREPRESENTED.

### A disproportionate number of people of color are in the system.

- In 2003, there were 4,834 black male prisoners per 100,000 black males in the U.S., 1,778 Hispanic male prisoners per 100,000 Hispanic males, and only 681 white male prisoners per 100,000 white males.<sup>24</sup>
- Although Black Americans make up only 12.7% of the U.S. population, they make up 48.2% of adults in federal, state, or local prisons and jails.<sup>25</sup> According to the 1998 federal National Household Survey on Drug Abuse (NHSDA), the total number of drug users in 1998, 72% were Whites and 15% were Black. Despite this, Black people were arrested for drug offenses at higher rates than White people.<sup>26</sup>
- Latinos represent just 11.1% of the U.S. population and only 10% of U.S. drug users, yet are 18.6% of the U.S. prison population and 22.5% of those convicted for drug offenses.<sup>27</sup>
- Black males have a 32% chance of serving time in prison at some point in their lives; Hispanic males have a 17% chance; White males have a 6% chance.<sup>28</sup> If current rates of incarceration continue, about 1 in 3 Black males, 1 in 6 Hispanic males and 1 in 17 White males are expected to go to prison at some point during their lives.<sup>29</sup>

### The majority of inmates are undereducated and poor.

- 68% of state prison inmates in 1997 had not completed high school.<sup>30</sup>
- 36% of jail inmates in 1996 were unemployed prior to entering jail.<sup>31</sup>
- 64% of jail inmates in 1996 had monthly incomes of under \$1,000 in the month before their arrest.<sup>32</sup>

### More children are being tried as adults.

- The number of offenders under age 18 admitted to adult State prisons has more than doubled from 3,400 in 1985 to 7,400 in 1997.<sup>33</sup>
- The number of persons under age 18 who were convicted of a violent offense and sent to an adult State prison increased by about 10%, or from 18 per 1,000 to 33 per 1,000 violent crime arrests, from 1985 to 1997.<sup>34</sup>

## PRISONS ARE INCREASINGLY PUNITIVE AND LESS REHABILITATIVE.

- ***In a 15 state study, over two-thirds (roughly 68%) of prisoners released in 1994 were rearrested within three years, an increase over the 62.5% of those rearrested in 1983.*** 51.8% of prisoners released in 1994 found themselves back in prison.<sup>35</sup>
- ***The number of parolees imprisoned for violating terms of parole increased from 1990 to 1999.***<sup>36</sup> In 1999, almost 200,000 parole violators were returned to state prisons, compared to 131,500 in 1990.<sup>37</sup> 70% of parole violators in prison had been arrested or convicted of a new offense while on parole. More than one in five had absconded and one in six had a drug-related violation.<sup>38</sup>

- **Educational programs are being cut.** College programs in prisons have been cut from 350 throughout the U.S. in 1982 to less than a dozen in 2001, even though they have been shown to reduce re-incarceration rates, increase rates of employment upon release, and increase a student's sense of responsibility for community and family.<sup>39</sup>
- **About 80% of people incarcerated have reported past drug and alcohol abuse.**<sup>40</sup> However, of the 37% of state prisoners in 1997 who used alcohol at the time of their arrest, only 14% have received alcohol treatment while in prison.<sup>41</sup> Of the 33% of state prisoners who used drugs at the time of their arrest, only 18% received treatment while in prison.<sup>42</sup>

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1 Department of Justice, BJS. 2003. "Violent Crime Rates have Declined since 1994, reaching the lowest level ever recorded in 2003."

2 Ibid.

3 Department of Justice, BJS. 2002. "National Crime Victimization Survey property crime trends, 1973-2002." . See <<http://www.ojp.usdoj.gov/bjs/glance/house2.htm>> (June, 28, 2004).

4 Department of Justice, BJS. 2004. "Key Crime & Justice Facts at a Glance: Additional Crime Facts at a Glance." See <<http://www.ojp.usdoj.gov/bjs/gvc.htm#Violence>> (June 28, 2004).

5 Department of Justice, BJS. "Homicide Trends in the US". No date. Available at: <http://www.ojp.usdoj.gov/bjs/homicide/tables/totalstab.htm>. Accessed on May 23, 2005.

6 Beckett, Katherine, and Theodore Sasson. The Politics of Injustice: Crime and Punishment in America. Thousand Oaks, California: Sage Publications, 2004.

7 Cited in Wagner, Peter. 2003. *The Prison Index: Taking the Pulse on the Criminal Justice System*. The Prison Policy Initiative. Portland, Oregon: Bridgetown Printing, p. 12.

8 Schiraldi, Vincent and Jason Ziedenberg. 2001. *Zero Tolerance: Resisting the Drive for Punishment in Our Schools, How Distorted Coverage of Juvenile Crime Affects Public Policy*. New York, The New York Press.

9 Wagner, Peter, 2003, op cit., p. 12.

10 Beckett, Katherine, and Theodore Sasson. The Politics of Injustice: Crime and Punishment in America. Thousand Oaks, California: Sage Publications, 2004.

11 Beckett, Katherine. 1997. *Making Crime Pay: Law and Order in Contemporary American Politics*. Oxford, Oxford University Press, p. 25.

12 Wagner, Peter, 2003, op cit., p. 12.

13 Department of Justice, BJS. No date cited by the Sentencing Project. 2004. "Facts about Prisons and Prisoners." See <<http://www.sentencingproject.org/pdfs/1035.pdf>> (June 28, 2004).

14 Ibid.

15 Ibid.

16 Ibid.

17 Ibid.

18 The Center on Juvenile and Criminal Justice. "Poor Prescription: The Costs of Imprisoning Drug Offenders in the United States". Available at <http://www.cjcj.org/pubs/poor/pp.html>. Accessed on May 23, 2005.

19 Department of Justice, BJS. 2004. "Key Facts at a Glance: Direct Expenditures by criminal justice function, 1982-2001." See <<http://www.ojp.usdoj.gov/bjs/glance/tables/exptyptab.htm>> (June 28, 2004).

20 Police Talk. Butterfield, Fox. "Study Finds Steady Increase in Cost of Criminal Justice." February 11, 2002. Available at: [http://www.policetalk.com/costs\\_of\\_policing.html](http://www.policetalk.com/costs_of_policing.html). Accessed on May 23, 2005.

21 Department of Justice, BJS. 2004. "Justice Expenditure and Employment in the United States, 2001." See <<http://www.ojp.usdoj.gov/bjs/pub/pdf/jeeus01.pdf>> (June 28, 2004).

22 Wagner, Peter, 2003, op cit., p. 35.

23 Department of Justice, BJS. 1997. "Census of State and Federal Correctional Facilities, 1995" See <<http://www.ojp.usdoj.gov/bjs/pub/ascii/csfc95ex.txt>> (June 30, 2004).

24 Department of Justice, BJS. 2003. "Prison Statistics: Summary findings." See <<http://www.ojp.usdoj.gov/bjs/prisons.htm>> (July 1, 2004).

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- 25 Prison Activist Resource Center (hereinafter PARC). No date. Racism Fact Sheets: "African-Americans and the Criminal Injustice System." See <<http://www.prisonactivist.org/factsheets/racism.pdf>> (July 3, 2003).
- 26 Human Rights Watch, referencing the Substance Abuse and Mental Health Services Administration. May 2000. "Punishment and Prejudice: Racial Disparities in the War on Drugs." Section VII, Racially Disproportionate Drug Arrests. Retrieved June 16, 2004 (<<http://www.hrw.org/reports/2000/usa/>>).
- 27 Prison Activist Resource Center (hereinafter PARC). No date. Racism Fact Sheets: "Latinos and the Criminal Injustice System." See <<http://www.prisonactivist.org/factsheets/racism.pdf>> (July 3, 2003).
- 28 BJS cited by The Sentencing Project. 2004. "Facts about Prisons and Prisoners." See <<http://www.sentencingproject.org/pdfs/1035.pdf>> (June 16, 2004).
- 29 Department of Justice, BJS. 2003. "Prevalence of Imprisonment in the U.S. Population, 1974-2001." See <<http://www.ojp.usdoj.gov/bjs/pub/pdf/piusp01.pdf>> (June 23, 2004).
- 30 BJS as quoted by the Sentencing Project, May 2004, op cit.
- 31 BJS as quoted by the Sentencing Project. October 2003. "Facts about Prisons and Prisoners."
- 32 BJS as quoted by the Sentencing Project, May 2004, op cit.
- 33 BJS. "Profile of State Prisoners Under Age 18, 1985 to 1997." See <<http://www.ojp.usdoj.gov/bjs/abstract/pspa1897.htm>> (July 3, 2003).
- 34 Ibid.
- 35 Department of Justice, BJS. 2004. "Reentry trends in the United States." See <<http://www.ojp.usdoj.gov/bjs/pub/pdf/reentry.pdf>> (June 28, 2004).
- 36 Department of Justice, BJS. 2001. "Forty-Two Percent Of State Parole Discharges Were Successful" See <<http://www.ojp.usdoj.gov/bjs/pub/press/tsp00pr.htm>> (July 3, 2003).
- 37 Ibid.
- 38 Ibid.
- 39 Boudin, Kathy, Iris Bowen, Judith Clark et al. Research done by The Graduate Center of the City of University of New York & Women in Prison at the Bedford Hills Correctional Facility. September, 2001. "Changing Minds: The Impact of College in a Maximum Security Prison." See <[http://www.changingminds.ws/main/\\_home.html](http://www.changingminds.ws/main/_home.html)> (July 23, 2003).
- 40 Centers for Disease Control. August 2001. "Drug Use, HIV and the Criminal Justice System." See <<http://www.cdc.gov/idu/facts/criminaljusticefactsheet.pdf>> (July 15, 2004).
- 41 Cited in Wagner, Peter, 2003, op cit., p. 19.
- 42 Ibid.