

(Draft)

The Use of Incarceration in the United States

National Policy White Paper American Society of Criminology

National Policy Committee

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American Society of Criminology National Policy Committee Members

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EXECUTIVE SUMMARY

America's Growing Use of Incarceration

The past two decades have produced a profound and historic shift in the use of imprisonment within the United States. In 1980, there were less than 500,000 people imprisoned in the nation's prisons and jails. Today we have nearly two million and the numbers continue to rise. We are spending over \$35 billion annually on corrections while many other government services for education, health and human services and public transportation are hard pressed to meet the need for such services.

More alarming is the fact that the use of imprisonment has been highest for African American and Hispanic males. It is now estimated by the U.S. Department of Justice that approximately one third of all Black males will experience state prison in their lifetime. We also know that much of this increase in the use of imprisonment is directly related to the nation's war on drugs policy which has also dramatically increased the incarceration of women -- mostly for drug crimes. Furthermore, the high growing incarceration rates have resulted in nearly 1.5 million children (or 2 percent of the entire population under age 18) having a parent incarcerated.

The philosophy towards incarceration and its purpose has shifted from one of rehabilitation between the turn of the century and the middle of the 20th century to a philosophy of deterrence and, more recently, retribution. At one time, it seemed that prison was reserved for violent offenders who posed a threat to public safety and to those who were repeatedly convicted for felonious acts. More recently, a heightened fear of crime among the voting public coupled with economic prosperity has created a criminal justice system that imprisons persons who have never been convicted of violent crimes and who have had no prior convictions.

The single justification for incarcerating so many Americans is that it reduces crime. This is, perhaps, the most hotly debated topic today. Some criminologists have argued that increasing prison populations not only reduces crime but actually saves money to taxpayers. It is essentially a two variable equation which claims that as incarceration increases crime rates decline.

There have been a number of major studies conducted by criminologists which, at a minimum, question the utility of incarceration as an effective crime control policy. The National Academy of Sciences in its two Panels (Deterrent and Incapacitation Effects and Criminal Careers and "Career Criminals") concluded that there is no systematic evidence that general incapacitation and selective incapacitation has had or could have a major impact on crime rates. Similarly, a 1998 review of "what works" concluded that while the incarceration of offenders who will continue to commit crimes would reduce crime, it also noted that "... the number of crimes prevented by locking up each additional offender declines with diminishing returns as less active and less

serious offenders are incarcerated.”

Criminological theory and research clearly demonstrate that the causes of crime are complex and varied. While the response of the criminal justice system can have some impact on crime, it cannot in the long run be the most effective nor desirable policy for a society and its policy makers to adopt. In the United States, the use of incarceration may well have exceeded its potential benefits and needs to be reexamined and curtailed.

ASC’s National Policy Committee

The American Society of Criminology (ASC) is greatly concerned about these trends. This year, President Roland Chilton directed the ASC National Policy Committee to consider drafting a policy paper that would focus on the incarceration issue. The ASC Executive Board in its Spring 2000 meeting in San Francisco directed the NPC to develop a policy paper on "Incarceration Trends." The Board has emphasized that the paper would not speak for the Society but to its membership.

The paper analyzes the sources and effects of the dramatic and historic increases in the use of imprisonment on American society. In so doing, the NPC seeks to draw attention to the possible negative effects of excessive incarceration -- a topic the NPC believes criminologists have paid insufficient attention in their academic research and publications.

The paper and its recommendations reflect a concern that the Society needs to set of research agenda that is independent of the federal government and perhaps independent of conventional wisdom. In so doing, the NPC hopes that this paper will stimulate a healthy and much overdue debate on the role of the ASC in public policy in general, and the merits of widespread incarceration in particular.

The Role of Drugs, Race, Ethnicity and Gender in Higher Incarceration Rates

War on Drugs

A major reason for the dramatic increase in the U.S. prison population and associated increases in the number of Blacks, Hispanics and women, has been substantial increases in the numbers of persons sentenced to prison for drug crimes. Back in 1980 the number of prisoners convicted for a drug offense was only 19,000 or about 6 percent of the state prison population which numbered less than 300,000. By 1998 the numbers had increased by 237,000, or 21 percent of the state prison population. Furthermore, the average sentence for drug offenses had increased from 13 months in 1985 to 30 months by 1994. Many of these offenders are simple drug users who have no record of violence and who pose little danger to public safety.

Race

African Americans and Hispanics are grossly over represented in the prisoner population, and that this over representation has increased over the past two decades in concert with the selective enforcement of certain forms of drugs use which are associated with race and ethnicity. The degree of over representation in prisons varies greatly from state to state. Although a major reason for this level of over representation is the higher rate of arrests for crimes one can be sentenced for to prison for Blacks and Hispanics, there is a growing body of research suggesting that arrest practices in certain jurisdictions are based, in part, on race. There is also evidence that discrimination persists in other key criminal justice decision points including pretrial detention, prosecution, sentencing, parole board release and parole revocations which serve to further aggravate incarceration rates.

Gender

There have been even more dramatic increases in the number of women incarcerated than we do for men. Between 1980 and 1999, the total number of incarcerated males increased 303 percent whereas that number increased 576 percent for females. Although the incarceration rate in state and federal correctional institutions is about 15 times higher for men than women, the increase in the number of women in these facilities has outpaced the increase for men each year since 1995. These higher increases in incarceration rates are not explained by increases in violent crime arrest rates or more serious criminal histories for women.

Prison Conditions

Most prison systems are crowded with inmates housed in areas that were designed for program and recreational use. Not only does overcrowding contribute to prison violence, it may abort efforts to provide prisoners with vocational, educational, medical, mental health, and other treatment services. Significant numbers of the inmate population is either idle or not receiving basic educational and vocational services that would serve to enhance their ability to succeed in securing meaningful employment upon release. Further, large proportions of the U.S. population that has been diagnosed with life-threatening infectious diseases are passing through the nation's jails and prison systems each year without treatment while incarcerated or after release.

Recommendations to the ASC Membership

1. Given the absence of scientific evidence that incarceration by itself reduces crime

rates and its excessive use may have a negative impact on American society, the Society urges criminologists and policy makers to seek ways to *reduce* rather than increase or maintain the current use of incarceration. Such studies should initially focus on the relative effects of mandatory sentencing laws, increasing lengths of stay and recent increases in technical parole violations as these are the three largest and current contributors of prison growth.

2. Criminologists and policymakers should be especially concerned about the exceedingly high incarceration rates of African American and Hispanic males and the dramatic increases in the numbers of women and children being incarcerated. We believe these rates of imprisonment are having a devastating impact on certain segments of American society and local communities. We would urge the ASC and its membership to conduct studies that would examine the long-term implications of high life time incarceration rates for certain minority populations. The line of work can help us to understand the social cost of incarceration.

3. Related to the first two recommendations, studies are needed to evaluate the effects of the War on Drugs with particular attention its role in increasing rates of imprisonment for African Americans, Hispanics, women and their children.

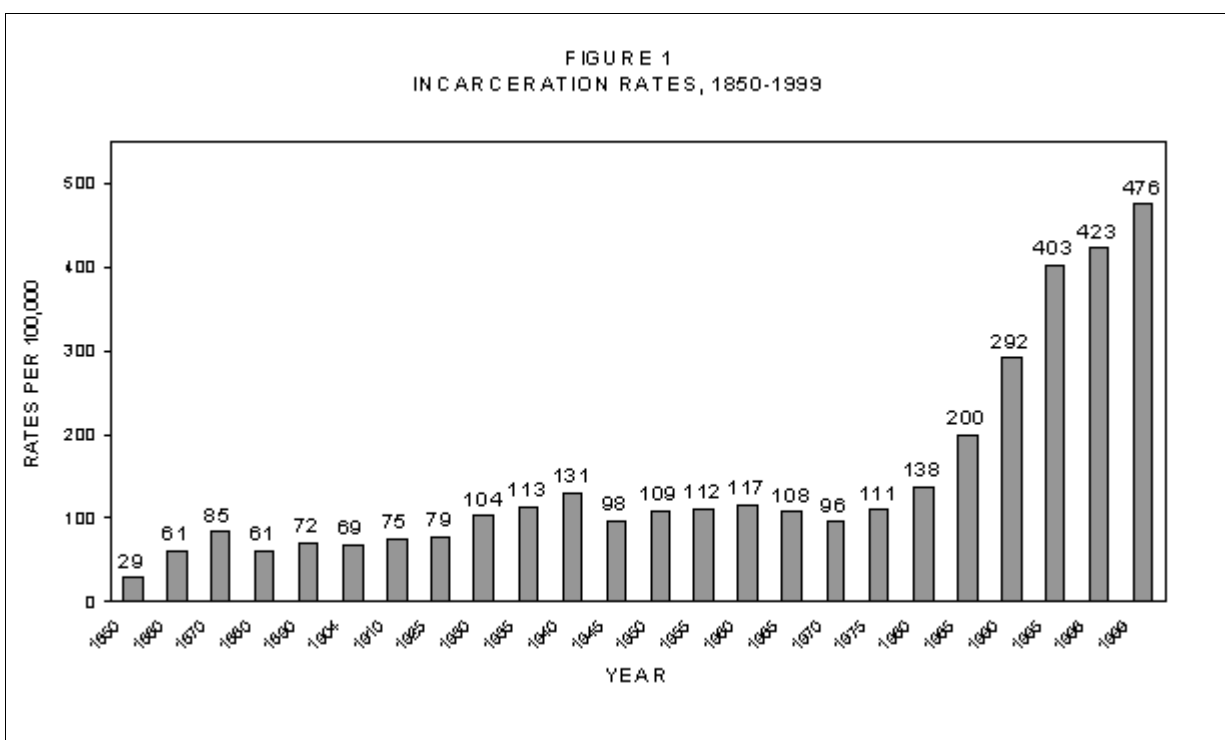
4. Criminologists need to develop new methods for estimating the impacts of criminal justice legislation on minority populations and, in the absence of a compelling reason, to not pass laws that are believed to have disparate impacts. Additionally criminal justice agencies should adopt monitoring systems to uncover possible racial, ethnic, and gender biases in their decisions to incarcerate.

5. Studies are needed to examine prison and jail conditions and its impact on those who are experience incarceration as well as on their families and communities. In particular, studies of prison violence, the use of solitary confinement for prolonged periods of time, institutional crowding, access to rehabilitative programs, and other aspects of the prison experience are needed.

6. Experimental demonstration programs should be undertaken to test the most effective ways for reducing incarceration in the United States without jeopardizing public safety. In particular, the federal government should encourage state and local governments to explore methods for reducing admissions to prison, reducing the period of incarceration and rates of probation and parole violations ex-offenders who are unlikely to pose a threat to public safety.

I. INTRODUCTION

The United States has been engaged in an unprecedented increase in the use of imprisonment to reduce crime. Between 1980 and 1999, the prison population increased 329,821 to 1,254,547 -- a rise of 280 percent.¹ The incarceration rate (number of persons in state and federal prison on any given day per 100,000 population) increased during the same time period from 138 to 476, as compared to only 26 in 1850 (Figure 1). If combined with the nearly 600,000 inmates in jail, the total incarceration rate is 690 per 100,000 population. We are spending over \$35 billion annually on corrections while many other government services for education, health and human services and public transportation are hard pressed to meet the need for such services.



After three decades of steady growth, there is some evidence that the accelerating use of imprisonment may be subsiding somewhat. Some of the major states, like California, Pennsylvania, and Ohio are reporting either slight declines or a leveling off in their prison populations. But many states, who have adopted "truth in sentencing" and other mandatory sentencing policies which serve to increase the number of persons incarcerated and their lengths of stay in prison, continue to experience increases in their inmate populations. Furthermore, the number of persons being revoked on parole and probation has increased in some jurisdictions which also serves to increase the prison population. Between 1990 and 1998, the prison

population grew an average of six percent per year, but in 1999, the annual rate of growth declined to 2.1 percent.

But it is not just the prison system that is expanding in the United States. The adult prison population represents no more than one-fifth of the entire correctional industrial complex. There are another 600,000 people in jail, with nearly 3.8 million on probation, and nearly 713,000 on parole. In total, 6.3 million adults -- about one of every 31 adults -- are under some form of correctional supervision; in 1980 the ratio was one of every 91 adults. Furthermore, the growth in jail, probation, and parole populations are quite similar to the prison population increases.

But even these staggering numbers do not account for all persons under some form of correctional supervision. Not counted in the six million figure are 106,000 children in juvenile facilities (public and private), nearly 2,300 adults held by the military, 18,000 in U.S. Territories, and 1,600 in Native American jails and detention facilities. In total, the U.S. Department of Justice has accounted for 2,026,596 persons incarcerated in all U.S. jurisdictions. Although there are no firm government estimates, there are several hundred thousand juveniles on probation or parole, plus the same number of adults and juveniles on some form of pretrial supervision. Based on these estimates one can safely assume that well over seven million Americans are caught up in the one

TABLE 1
ADULT CORRECTIONAL POPULATIONS
1980-1999

Population	1980	1999	% Change
Probation	1,118,097	3,773,624	238%
Jail	163,994	596,485	264%
Prison	329,821	1,254,577	280%
Parole	220,438	712,713	223%
Total Adults Under Corrections	1,832,350	6,337,399	246%
% of Adults Under Corrections	1.2%	3.1%	158%
Reported Serious Crime	13.4 million	11.6 million	-13%
Adult Arrests	6.1 million	7.6 million	25%

Sources: U.S. Department of Justice, Bureau of Justice Statistics, July 2000.
Federal Bureau of Investigation, Uniform Crime Reports, *Crime in the U.S. - 1999*

of several correctional systems on any given day.^a By any definition, the correctional system is one of the largest and most pervasive social control systems in the United States today.

These historic increases in imprisonment and other forms of correctional control are of great concern to the American Society of Criminology (ASC). Many of the ASC membership have been actively involved in studying both the causes and consequences of this trend. Some have argued that imprisonment has served to effectively reduce the crime rate and that as long as the crime rate remains above the levels reached in the 1980s and 1990s, the nation will need to continue to imprison nearly two million Americans each day. Others have maintained that too many are imprisoned, and that many could be placed in less costly and more effective alternatives to incarceration.

The purpose of this ASC policy paper is to analyze the sources and effects of these dramatic and historic increases in the use of imprisonment on American society. In so doing, we seek to draw attention to the possible negative effects of excessive incarceration -- a topic we believe criminologists have largely ignored in their research and publications.

The paper begins with an overview of the major trends and factors that have been associated with the prison population growth. That section is then followed by a discussion on four major issues surrounding the incarceration topic: 1) the influence of the War on Drugs, 2) the massive incarceration of African American males, 3) the growing incarceration of women, and 4) conditions of prisons and prisoners. The paper concludes with a series of recommendations for further research and policy analysis which the ASC hopes will encourage criminologists and policy makers to explore methods for reducing these historic incarceration rates.

II. INCARCERATION TRENDS

Prison and jail populations are the product of two factors: admissions, and length of stay (or LOS). However, this elementary equation of "admissions x LOS = average prison population" quickly becomes increasingly complex when one begins to consider the many ways one can be admitted to prison and the many factors that determine how long an inmate will be incarcerated before being released and returned to the community. Moreover, the various forms of community correctional supervision

^a The incarceration rates of the United States are well above other Western and Asian societies. Indeed, much can be learned from these other nations and cultures which have not relied upon high incarceration rates to produce lower crime rates.

(probation and parole) and how offenders exist in those correctional populations also have a very direct impact on the size and attributes of prison populations.

At the “front end” of the prison system, persons can be admitted to prison either as a newly sentenced inmate or after having been failed parole or probation supervision and having their supervision status revoked . Over the past two decades there has been a significant increase in the prison admissions with increases in the number of persons sent to prison for drug crimes being the primary cause of such increases.² However, a growing number of prison admissions are the result of offenders failing to complete terms of probation or parole. The most recent national data show that of the 541,000 prison admissions in 1997, nearly 215,000 (or 40 percent) were parole violators (Table 2) . Of these parole violators, about one half were admitted to prison after being revoked for one or more technical violations while the others are a result of a new felony conviction. Often, technical violators are being returned to prison for behavior one cannot be sentenced to prison.

TABLE 2
THE NUMBER OF PERSONS GOING TO STATE PRISON
1990 AND 1997

Year	State Prison Population	Total Prison Admissions	New Commitments	Parole Violators	% Parole Violators
1990	689,577	460,739	323,069	137,670	30%
1998	1,113,676	565,291	347,270	206,751	37%
% Change	61.5%	22.7%	7.5%	50.2%	22.4%

Source: Bureau of Justice Statistics, Special Report. Truth in Sentencing in State Prisons. January 1999. U.S. Department of Justice.

TABLE 3
PRISON RELEASES AND TIME SERVED JAIL, PRISON AND PAROLE

TIME SERVED	Average Months
Pretrial Time in Local Jail Awaiting Sentence	5 mos
Prison Time Until First Release	28 mos
Parole Supervision	20 mos
Re-Incarceration for Parole Violation	5 mos
Total Time Under Supervision	53-58 mos

Sources: Bureau of Justice Statistics, National Corrections Reporting Program, 1996.
California Department of Corrections, 1997 as reported in Austin and Lawson, 1998.

TABLE 4
NATIONAL SENTENCES AND ESTIMATED LENGTH OF STAY
1990-1998

Year	Mean Sentence	Minimum LOS
1990	70 mos	38 mos
1995	72 mos	42 mos
1998	65 mos	43 mos
% Change	-7%	13%

Source: Bureau of Justice Statistics, Prisoners 1999. U.S. Department of Justice.

Equally important is the accelerating LOS that is occurring in many prison systems. As states have moved to longer sentences and so called "truth in sentencing" (TIS), prison populations will continue to grow even if a state succeeds in controlling its prison admissions. The most recent national data show that the current length of stay (LOS) for inmates released from prison in 1996 is approximately 25 months for first released prisoners. This statistic, however, does not include the 4-6 months an inmate will spend in the local jail awaiting transfer to the prison system, plus another 4-6 months back in prison if an inmate is returned for a technical violation. When one takes into account the time spent on parole supervision, the average prisoner will spend over five years under some form of imprisonment or parole supervision (Table3).

However, it appears that the amount of time in prison will be increasing over the next decade as the effects of longer sentences and/or the requirement inmates serve as greater proportion of their sentences take hold. The best evidence of this trend

comes from the Department of Justice which reports that the average length of stay in prison is projected to increase to over 40 months in the near future (see Table 4).³ The role of parole and parole boards remains strong in most states since the vast majority of states have retained indeterminate sentencing and discretionary release powers for most offenders.⁴ Contributing to the longer lengths of stay is the trend of parole boards to become more restrictive in their granting of parole.

Thus, if one were to pinpoint the source of future prison population growth, it would be focused on the so called “back end” of the criminal justice system. New court prison admissions in most states are either leveling off or even declining. But, as suggested above, legislation designed to lengthen prison terms and reduce the amount of good time an inmate can earn before becoming eligible for parole or release, coupled with declining parole release rates, and higher revocation rates all are contributing to prison population growth. Thus, future growth in the prison system will occur not because we are sending more people to prison but because we are keeping them incarcerated for longer periods of time or because they are failing to complete probation or parole.

As the size of the prison system has increased so too has its costs. Between 1984 and 1996, the U.S. Department of Justice reported that amount of money required to operate just the nation’s prisons (excluding the massive jail system) grew from \$6.8 billion to \$24.5 billion.⁵ In the same year, a total of more than \$120 billion was spent on civil and criminal justice functions with most of those costs associated with police (over \$50 billion) and corrections (over \$40 billion).

The other major cost is prison construction. As of 1998, there were approximately 83,500 new prison beds under construction with another 86,500 being planned to be constructed or total of 170,000 new prison beds. Assuming an average construction cost of \$50,000, the nation will be spending \$8.5 billion to build new prisons in an effort to keep pace with the growing prison population. Even with all of these costs, over thirty state prison systems were operating above their rated bed capacities.⁶

Some states are beginning to feel some of these fiscal pressures. A recent analysis of the “trade off” of prison beds for higher education was conducted by the Justice Policy Institute and the Correctional Association of New York. They found that since 1988, spending for New York’s public universities had dropped by 29 percent while funding for prisons increased by 76 percent. In terms of real dollars, the state’s annual prison budget had increased by \$761 while funding the New York city and state university systems had declined by \$615 million. Currently, the state is spending \$275 million more per year on prisons than on state and city colleges. And these costs do not include the \$300 million now approved to construct an additional 3,100 new prison beds (at \$96,775 per bed).⁷

Having summarized the major trends and expenses of incarceration in recent decades, we will now turn to discussions of special issues related to these trends: the influence of the war on drugs, the dual issues of race and the war on drugs, gender and incarceration, and the conditions of prisons and prisoners.

III. THE ROLE OF DRUGS, RACE, ETHNICITY AND GENDER IN HIGHER INCARCERATION RATES

A. The Influence of the War on Drugs

As stated earlier, and a theme repeated throughout the paper, a major reason for the dramatic increase in the U.S. prison population and associated increases in the number of Blacks, Hispanics and women, has been substantial increases in the numbers of persons sentenced to prison for drug crimes. Back in 1980 the number of prisoners convicted for a drug offense was only 19,000 or about six percent of the state prison population which numbered less than 300,000. By 1998 the numbers had increased by 237,000, or 21 percent of the state prison population. Furthermore, the average sentence for drug offenses had increased from 13 months in 1985 to 30 months by 1994. Within the federal prison system the number of offenders sentenced for drug crimes had increased from 4,900 to nearly 52,000 by 1994.⁸

Throughout the twentieth century licit and particularly illicit drugs, and the people who use and trade them, have preoccupied those responsible for crime control and law enforcement in the United States.⁹ This is comprehensible if not logical for at least two reasons: first, the number of people known to be users or purveyors of illicit drugs is far greater than the number of people known to engage in other types of illicit activity considered serious, such as violent or property crime;¹⁰ and second, the relationship between drugs and other crimes has been extensively studied and is commonly accepted by scholars, policy makers, and practitioners.¹¹ Therefore, it is not surprising that during the last decades of the twentieth century, when American society embraced a get-tough approach to crime and the criminal justice system utilized imprisonment as a means of demonstrating toughness,¹² illicit drug users and dealers became the fuel that fed the engine of incarceration.

In the U.S. throughout the 1980s and 1990s, the emphasis of drug policy was to enforce the laws against illicit drug users and traffickers.¹³ That emphasis on “getting tough” with drug offenders likely contributed to the growing number of persons incarcerated in the nation. In 1998 there were reportedly almost 1.6 million arrests for drug abuse violations compared to 1.8 million for property offenses and 680,000 for violent offenses.¹⁴ More important, in 1998 arrests of drug law violators accounted for 11 percent of all known arrests, compared to only 7 percent in 1985.¹⁵

There clearly was an increase in the number and proportion of all arrestees who

were charged with drug offenses during a period when arrests for other offenses declined or were stable, and the number of people being incarcerated increased. This does not necessarily mean that the changing patterns of drug arrests were responsible for the increase in the prison population. What happened to those drug arrestees when they were processed by the criminal justice system needs to be considered.

Table 5 shows statistics for convictions and sentences of the Federal District Courts from 1975 to 1998. In this table, crime and justice statistics are collected by states and localities and are not necessarily comparable. On the national level, statistics are available for cases that are prosecuted by the federal government. From 1980 to 1998 the number of sentences to prison in Federal District Courts increased from 19,023 to 95,522, an increase of 402 percent. However, during the same period the number of sentences to federal prison for drug offending increased by an astounding 1,085 percent. Similarly, the number of federal cases disposed by conviction and sentence increased from 1980 to 1998 by 109 percent, but the number for drug offenses increased by 353 percent. Additionally, the number of federal defendants sentenced to imprisonment increased from 1980 to 1998 by 242 percent, but the number for drug offenses increased by 469 percent.

During the 1980s and 1990s, particular attention was paid to New York City, where crime rates dramatically rose and then fell during a time when crack cocaine was first introduced and crack cocaine markets were evolving.¹⁶ Table 6 shows statistics for New York City from 1980 to 1999. During this period both the problems associated with drugs, and the criminal justice system response and outcomes, were particularly pronounced in several major cities.¹⁷

For example, in New York, from 1980 to 1990 (just about the time when the public's concern about about crack and the level of recorded crime both peaked), the number of index crimes reported had declined slightly while the number of sentences to prison increased by 297 percent. Notably, during this same period, the proportion of all felony arrests in the city that were for drug offenses almost tripled, and the proportion of all felony prosecutions in the city that were for drug offending more than tripled.

From 1990 to the end of the decade, during which time the index crime rate in the city decreased by more than 50 percent, the number of sentences to prison increased by only 37 percent. Meanwhile, throughout the period, about one-third of felony arrests and one-half of felony prosecutions involved drug offenders, compared to one-tenth of all felony arrests and about one-eighth of all felony prosecutions in 1980.

While it is clear that prison populations have grown in large part to the War on Drugs, this war has had a profound impact on who is incarcerated which is the topic of the next two sections.

TABLE 5**FEDERAL DISTRICT COURTS: CONVICTIONS AND SENTENCES TO PRISON****UNITED STATES, 1975 TO 1998**

Year	Cases Disposed by Conviction & Sentence		Sentenced to Imprisonment		Federal Prison Population	
	Total	Drug Offense	Total	Drug Offense	Total	Drug Offense
1975	37,433	8,151	17,301	4,887	20,692	5,540
1980	28,598	4,749	13,191	3,479	19,023	4,749
1985	38,530	9,231	18,679	6,786	27,623	9,491
1990	46,725	16,188	27,796	13,838	47,847	25,037
1995	46,773	15,861	32,439	14,157	79,347	48,118
1996	52,270	18,333	37,579	18,333	83,515	50,754
1997	55,648	19,833	41,105	18,231	89,748	54,099
1998	59,885	21,529	45,166	19,809	95,522	56,291
% Increase	60%	164%	161%	305%	361%	916%

Maguire, Kathleen and Anne L. Pastore. 1999. *Sourcebook of Criminal Justice Statistics 1998*. U.S. Department of Justice, Bureau of Justice Statistics.

TABLE 6
CRIME RATE, SENTENCES TO PRISON, AND DRUG ARRESTS AND
CONVICTIONS NEW YORK CITY, 1980 TO 1999

Year	Index Crime Rate	Sentences to Prison	Percent Felony Arrests for Drug Offenses	Percent Felony Prosecutions for Drug Offenses
1980	10,095	6,294	10.3	13.1
1981	10,279	8,060	13.6	15.2
1982	9,744	8,375	14.9	17.6
1983	8,804	11,156	16.3	19.6
1984	8,397	10,720	18.9	20.7
1985	8,393	10,802	19.7	25.3
1986	8,867	13,100	23.9	36.0
1987	9,034	15,092	27.6	44.2
1988	9,799	16,076	30.2	48.1
1989	9,679	20,097	32.0	53.1
1990	9,717	20,319	32.3	49.4
1991	9,259	21,192	30.6	46.8
1992	8,505	19,700	31.0	47.3
1993	8,172	20,584	31.3	48.7
1994	7,236	18,981	32.2	50.1
1995	6,046	17,453	32.3	52.3
1996	5,227	17,429	34.2	54.9
1997	4,871	16,430	32.0	51.2
1998	4,396	15,244	35.3	55.3
1999	N/A	12,786	34.3	54.1

Numbers derived from Criminal Justice Indicators New York City: 1980-1999. New York State Division of Criminal Justice Services. [Http://criminaljustice.state.ny.us/cgi/internet/areastat/areastat.cgi](http://criminaljustice.state.ny.us/cgi/internet/areastat/areastat.cgi). Numbers for 199 are preliminary.

B. The Dual Issues of Race and the War on Drugs

Those under the control of correctional authority do not represent a cross section of the nation's population. African-Americans comprise about 13 percent of the population, but in 1999 about 46 percent of the sentenced prisoners under state and federal jurisdiction were black. Between 1980 and 1999 the number of white inmates per 100,000 of the population rose by 155 percent from 85 to 217. During the same period the incarceration rate for blacks went from 551 per 100,000 to 1,739, an increase of 240 percent, while the rate for Hispanics increased by 341 percent, going from 163 to 719. Assuming their populations were of equal sizes, in 1980 there were 6.5 blacks incarcerated for every white; by 1999 there were 7.8. In 1980, there were 1.9 Hispanic inmates for every white inmate; by 1999 there were 3.3.

These disparities by race and ethnicity become even greater when age and gender are taken into consideration (Table 7). Per capita, in 1999 there were 8.2 black males and 3.2 Hispanic males serving prison sentences of one year or more for every white male. The ratio of black to white incarceration rates was highest among those in their late teens and twenties, peaking at 9.5 among those aged 25 to 29. Expressed in terms of percentages of the populations, 9.4 percent of black non-Hispanic males aged 25 to 29 were in prison in 1999 compared to 3.1 percent of Hispanic males and 1.0 percent of white males in the same age group.¹⁸

Although substantially lower than the male rate, female incarceration shows the same disparities. Black non-Hispanic females were nearly eight times more likely, per capita, to be in prison in 1999 than were their white counterparts, and Hispanic females were more than three times more likely. Translated into percentages of the population, approximately two percent of the black female population over the age 18 were serving prison sentences of one year or more in 1999 compared to slightly less than one percent of the Hispanic females and white females of the same age. Not surprisingly race and ethnic disparities are also found in the less restrictive forms of correctional control such as probation, although the differences are less than in the jail and prison populations. Figures recently published by the Justice Department's Bureau of Justice Statistics reveal blacks comprise about one-third of those on probation and nearly half of those on parole. Those of Hispanic origin who may be classified white or black, constituted 16 percent of probationers and 21 percent of parolees.

Of the 6.3 million adults under correctional supervision --prisons, jails, probation and parole -- nearly 40 percent are African-American and approximately 17 percent are of Hispanic origin.¹⁹ Thus, an estimated one in 14 African American and one in 30 Hispanic adults, compared to one in 58 whites were under some form of correctional supervision in 1999.

TABLE 7

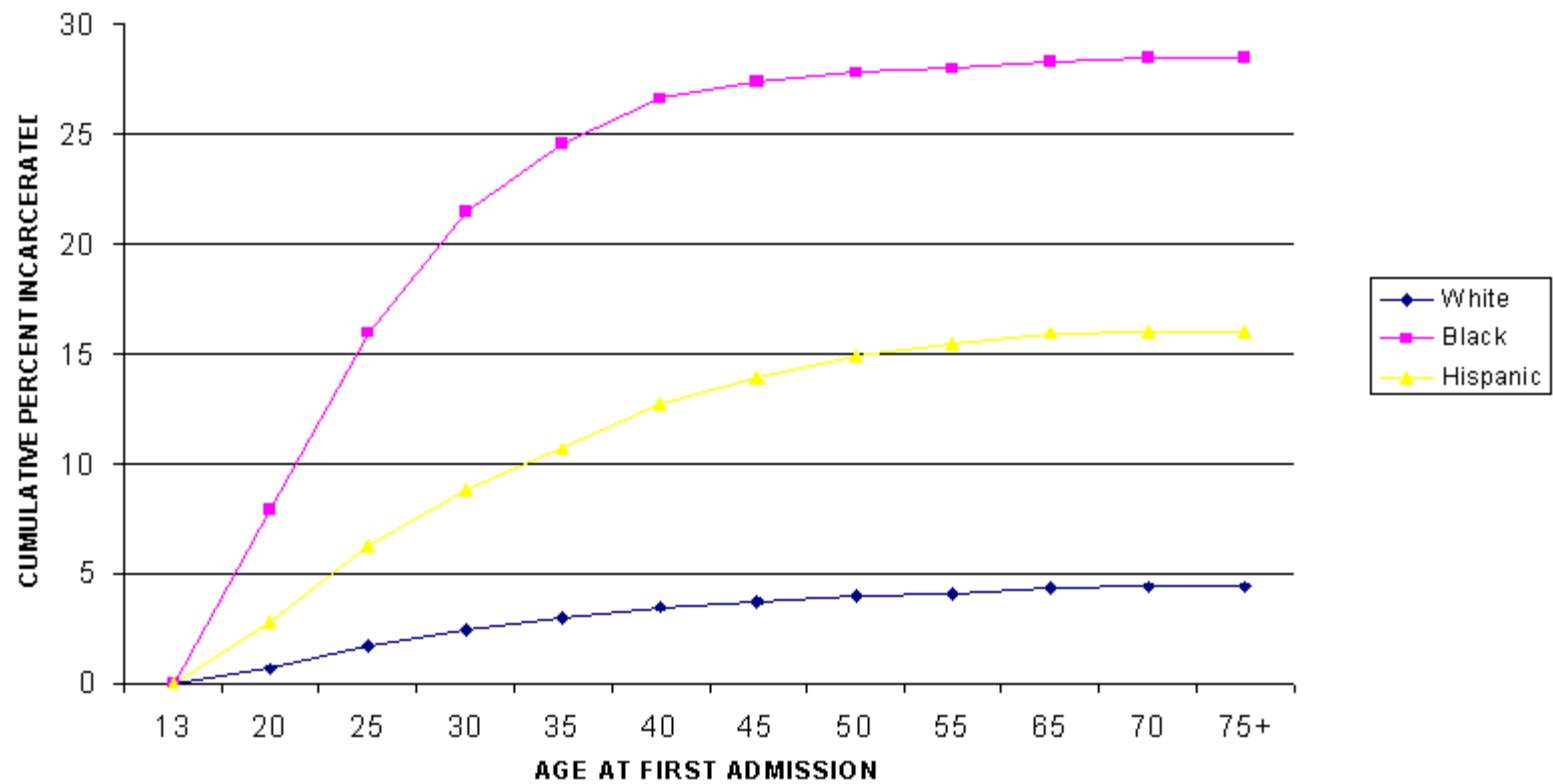
NUMBER OF SENTENCED PRISONERS UNDER STATE OR FEDERAL JURISDICTION BY GENDER, RACE, HISPANIC ORIGIN, AND AGE, 1999

Age	Number of Sentenced Prisoners per 100,000 Residents					
	Males			Females		
	White	Black	Hispanic	White	Black	Hispanic
Total	417	3,408	1,335	27	212	87
18-19	280	2,627	1,197	18	85	29
20-24	832	7,362	2,824	44	227	127
25-29	990	9,392	3,126	66	492	215
30-34	1,106	8,406	2,927	96	731	248
35-39	896	7,316	2,315	74	587	214
40-44	652	4,947	2,266	39	347	131
45-54	411	2,761	1,265	22	153	97
55+	106	534	403	4	21	11

Allen J. Beck, *Prisoners in 1999* (Washington, U. S. Department of Justice, Bureau of Justice Statistics, August 2000), Table 13.

Such disparities have a real impact on the relative life chances of the different groups. In 1997 Bureau of Justice Statistics calculated the lifetime likelihood of a person going to prison, assuming that rates of first incarceration and death remained at their 1991 levels. This analysis revealed if the 1991 rates prevailed throughout the life of a cohort, about 16 percent of the blacks, nine percent of the Hispanics and three percent of the whites would be sentenced to prison at some time in their lives. These chances were much greater for men (nine percent) than for women (one percent), and reached their highest level for African-American males. Nearly one in three black males (29 percent) could expect to be incarcerated at some time in their life given the 1991 rates (Figure 2). The comparable rates for Hispanic and white males were 16 percent and four percent, respectively.²⁰ And these rates of incarceration have continued to rise since 1991, especially for African-Americans and Hispanics.

FIGURE 2
PERCENTAGE OF U. S. MALES LIKELY TO EVER GO TO PRISON BY AGE, RACE AND
HISPANIC ORIGIN



The contrasts documented above might be seen as a *prima facie* case for the existence of pervasive and systematic discrimination against African-Americans and Hispanics throughout the criminal justice system. While not denying the existence of some discrimination, most researchers who have examined the issue have concluded that discrimination based directly on race and/or ethnicity is not the primary cause of the disproportionate representation of these groups in prison.

Blumstein compared the racial distribution of arrests for eleven crime categories in 1978 with the racial distribution of prison inmates for these same categories in 1979.²¹ Assuming that racial differences in arrests are indicative of differential involvement in crime, Blumstein concluded that about 80 percent of the racial disproportionality in prison was explained by differential racial involvement in serious crime. Hindelang's research²² supported this assumption which found that the racial differences in arrests mirrored racial identities of offenders, provided by victims in the National Crime Victimization Survey. The amount of disproportionality explained by arrests, however, varied greatly by type of crime, ranging from about 97 percent in the case of homicide to only 51 percent for drug offenses. Blumstein²³ replicated his research using 1991 data, in light of the persistence of racial disproportionality and the enormous increase in imprisonment. This time he found that the amount of racial disproportionality explained by arrests had declined slightly to 76 percent.

Blumstein's methodology, and others who have replicated his work, has been criticized for aggregating the data in such a way as to hide potentially wide variation among the states and ignoring racial biases in arrest practices. Using 1981 arrest data and 1982 imprisonment data disaggregated by state, Crutchfield, Bridges and Pitchford²⁴ found that the percentage of disproportionality explained by differential involvement in crime was 66 percent but ranged from less than one percent in Alaska to over 99 percent in Mississippi with 40 percent of the states falling below the national rate.

With respect to the influence of arrest practices, there has been relatively little research on racial biases in arrests. Even reviewers predisposed to find evidence of discrimination, such as Coramae Richie Mann are forced to conclude that the "few available studies of this issue offer support to both sides of the question."²⁵ As noted above, Hindelang's research concluded that there was a close correspondence between victims' identifications of the race of offenders, and the racial distribution of arrests. More recently, Tonry reported that the percentage of black offenders arrested for robbery and assault, although higher than the percentages reported by victims of those crimes, closely paralleled each other from 1980 through 1991.²⁶

One reason that the percentages arrested may be higher than the percentages reported by victims is that black offenders may be arrested on the basis of less stringent criteria. Petersilia²⁷ found that in California black and Hispanic suspects were

more likely than whites to be arrested without a warrant, a fact contributing to the greater likelihood of their cases being rejected by prosecutors or dismissed by the courts.

Situational factors associated with race and class may influence the willingness of the police to arrest suspects. In an examination of police-citizen contacts in three major metropolitan areas, Smith, Visher and Davidson²⁸ found that police are more likely to use force and to arrest offenders in racially mixed and minority neighborhoods when the victim is white and the suspect is black, and that they are more likely to comply with a white victim's request that the suspect be arrested.

In a study of male defendants in ten federal courts, Albonetti and her colleagues²⁹ reported that the importance of various criteria affecting pretrial detention decisions varied by race, and that white defendants benefitted more from factors such as education and income than did black defendants with similar resources. White defendants were found to "receive better returns on their resources."³⁰

In terms of the decision to file a complaint and prosecute, some researchers have concluded that these decisions are, for the most part, made on the basis of legally relevant criteria, such as strength of the evidence, and that race plays little or no role.³¹ Two studies, however, suggest that race plays a role in these decisions at least with respect to certain crimes. Comparing initial police reports with the eventual charges lodged by prosecutors in cases of murder, Radelet found that black defendants arrested for murdering whites were the most likely to have the charges upgraded to first degree murder.³² Similarly LaFree found that black men arrested for raping white women were the mostly likely suspects to be charged with felonies.³³

Most of the research on racial and ethnic discrimination within the criminal justice system has concerned itself with sentencing. Comprehensive reviews of research done from the 1920s through the 1970s concluded there was no evidence of systematic bias against minorities at this stage.³⁴ Whatever direct effect race had on sentencing was largely eliminated when the effect of prior record was controlled, leading to the conclusion that persons of color received longer sentences than did whites for similar crimes because of the greater involvement in criminality over their life course.

These reviews, however, considered only sentence length, not the decision to incarcerate. A recent review by Chiricos and Crawford of 38 studies published since 1975 suggests this is a crucial distinction as is the context within which the decision is made.³⁵ In line with previous research, their meta-analysis revealed that while race did not have a direct effect on sentence length, convicted black offenders were more likely to be incarcerated than whites even with the effect of crime seriousness and prior record controlled. Moreover, their analysis shows that blacks are significantly more

disadvantaged than whites in the south, in places where blacks comprise a larger proportion of the population and where unemployment is high. Large numbers of unemployed blacks in a jurisdiction, they theorize, may be perceived as such a social and political threat as to increase the probability of incarceration.

Summarizing the results of the more recent research on the issue of bias in sentencing, Lauritsen and Sampson conclude that:

(It) ... is not fatal to the basic argument that race discrimination is not pervasive or systemic....the thrust of the research during this era seemed to shift away from the NDT [no discrimination thesis] to the idea that there is *some* discrimination, *some* of the time, in *some* places [emphasis in original].³⁶

The "War on Drugs" created an ideological climate conducive to increasing racial disparities in arrests and sentences to confinement. Tonry concludes that urban black Americans have borne the brunt of the War on Drugs. They have been arrested, prosecuted, convicted, and imprisoned at increasing rates since the early 1980s, and grossly out of proportion to their numbers in the general population or among drug users.³⁷

The clearest example is the differential penalties for crack cocaine and powder cocaine, the former used mainly by blacks and the latter mainly by whites. Although pharmacologically indistinguishable, federal law sets the penalty for possession of one gram of crack equal to the penalty for 100 grams of powder. In a 1993 study that examined the effect of race on sentencing for a variety of federal crimes, McDonald and Carlson found that the prison sentences for blacks were, on average, 41 percent longer than those for whites and this was largely due to the 100 to 1 difference in the penalties for crack and powder.³⁸ It is scarcely surprising, then, that in 1998 nearly two-thirds of the black inmates in federal prisons, compared to 55 percent of the white inmates, were serving sentences serving time for drug offenses.³⁹

The situation is much the same in state prisons. In 1998, approximately 25 percent of the sentenced black prisoners were committed for drug offenses compared to 12 percent of the whites. It is estimated that about 25 percent of the increase in the number of black prisoners in state facilities between 1990 and 1998 was attributable to growth in the numbers committed for drug offenses. This compares with 18 percent of the increase in Hispanic and 12 percent of the increase in white prisoners.⁴⁰

A second collateral consequence of the War on Drugs that may contribute to the over representation of minorities in prison populations is "driving while black." This refers to the police action that is triggered by the race, ethnicity, or national origin of a person rather than by their behavior, or information specifically linking them to a crime. Although incidents of this sort have evoked outrage and controversy it has not been the

subject of much research, and most of the research that has been done has been in conjunction with civil law suits, and thus must be viewed with some caution. Nonetheless, the results of these studies suggest substantial biases on the part of police in making stops and conducting searches. In one study, John Lambreth of Temple University conducted both stationary and rolling surveys of drivers on a selected portion of I-95 in Maryland to construct a sample of speeding violators. Blacks were found to comprise 18 percent of the violator sample. In contrast, Maryland State Police data revealed that blacks constituted 79 percent of the drivers stopped and searched. Of those searched, 29 percent of the whites and 28 percent of the blacks were discovered to possess contraband.⁴¹

In a similar study in New Jersey, Lambreth found that blacks comprised 15 percent of the speeders on the New Jersey Turnpike but represented 35 percent of those stopped and 73 percent of those searched.⁴² A recent report from the Attorney General of New Jersey confirms Lambreth's conclusions in finding that people of color constituted 41 percent of the stops made and 77 percent of the searches conducted. Yet arrests and seizures did not differ by race: 11 percent of the searches of white motorists resulted in an arrest or seizure compared to 14 percent of the searches involving blacks.⁴³ This disproportionate number of black drivers being stopped on the basis of a common stereotype results in both a substantial degree of racial harassment and an over representation of blacks among those arrested for contraband, usually drugs.

There are other decisions made by correctional officials that determine how long inmates remain in custody and how they will be released. In particular, disciplinary hearings that result in the revocation of good-time credits which impact parole eligibility dates, parole release hearings, and parole revocation hearings are examples of less visible decision points that serve to extend or reduce one's period of incarceration.

Studies conducted in prisons in the 1970s reported that black inmates were seen as more threatening by correctional officers, and were therefore subjected to greater surveillance and more likely to receive disciplinary reports than white inmates.⁴⁴ Although none of these studies examined the impact of greater discipline on racial differences in time served prior to release, such differences could have such an effect, both directly, through the loss of good time, and indirectly, through its influence on decisions to grant early release via parole.

In Rhode Island, Carroll and Mondrick found that the parole board imposed additional criteria on black inmates than on whites with the result that most black inmates who were paroled served about five percent more of their sentence than did comparable white inmates.⁴⁵ Brown, in a study of parole from three institutions, found that in the medium and maximum security institutions, black inmates, even those defined as "well-adjusted," were less likely than comparable white prisoners to be

recommended for parole or to be granted early release.⁴⁶ Petersilia found that even after controlling for relevant factors blacks and Hispanics in two states served more time than did whites before being released to parole supervision.⁴⁷

In summary, African Americans and Hispanics are grossly over represented in the prisoner population, and that this over representation has increased over the past two decades. The degree of over representation in prisons varies greatly from state to state. One reason for this level of over representation is the higher rate of arrests for crimes one can be sentenced for to prison. However, there is a growing body of research suggesting that arrest practices in certain jurisdictions are based, in part, on race. There is also evidence that discrimination occurs in the pretrial detention, prosecution, sentencing and release decision-making.

C. Gender and Incarceration

There have been even more dramatic increases in the number of women incarcerated than we do for men. Between 1980 and 1999, the total number of incarcerated males increased 303 percent whereas that number increased 576 percent for females (Table 8). Although the incarceration rate in state and federal correctional institutions is about 15 times higher for men than women, the increase in the number of women in these facilities has outpaced the increase for men each year since 1995.

The number of women per capita involved in corrections which has grown 48 percent since 1990, compared to 27 percent for men (Table 9). Since 1985, that increase was 108 percent for women. When we look across all four correctional populations – probation, jail, prison, and parole—we see a striking increase in the number of women under the care, custody or control of adult criminal justice authorities. Between 1985 and 1998, the per capita number of women under probation supervision climbed 85 percent, the jail rate increased 193 percent, the imprisonment rate grew 239 percent, and the per capita parole supervision rate rose 277 percent.

These higher increases in incarceration rates are not explained by increases in violent crime arrest rates for women. As shown in Table 8, the number of women arrested for violent crimes increased at about the same pace as men while the number of drug arrests for women were nearly twice as high men. Furthermore, if we look at new court commitments to state prison in 1996, we find that only 17 percent of the women were admitted for violent crimes compared to 31 percent of men's admissions (Table 10). More striking than the rising incarceration rates for women in general are the differential rates by race and ethnicity. Black non-Hispanic females were more than twice as likely as Hispanic females and nearly eight times more likely than white non-Hispanic females to be in prison in 1999.⁴⁸

TABLE 8

**PRISONERS UNDER STATE AND FEDERAL JURISDICTION & PERCENT
INCREASE FROM PREVIOUS DECADE, 1980-1999**

Year	Prison Population		Violent Crime Arrests		Drug Arrests	
	Men	Women	Men	Women	Men	Women
1980	316,401	13,420	228,424	25,031	266,480	39,156
1990	729,840	44,065	418,221	52,943	665,872	138,543
1999	1,276,053	90,668	492,616	59,624	719,709	159,007
% Increase	303%	576%	116%	138%	170%	306%

Sources: U.S. Department of Justice, Bureau of Justice Statistics, Prisoners in 1999
Uniform Crime Reports, 1980, 1990 and 1999.

U.S. Department of Justice, Bureau of Justice Statistics, *National Prisoner Statistics Data Series* (NPS01).

TABLE 9

**RATE PER 100,000 OF ADULT WOMEN IN THE U.S. WITH THE
SPECIFIED CORRECTIONAL STATUS, 1996**

Year	Probation	Jail	Prison	Parole
1985	375	21	24	21
1990	495	38	43	44
1995	629	51	63	67
1996	637	54	68	76
1997	662	57	71	75
1998	694	61	81	79

U.S. Department of Justice, Bureau of Justice Statistics, *Women Offenders*, December 1999, page 6.

TABLE 10

**NEW COURT COMMITMENTS TO STATE PRISON IN 1996
PERCENT OF ADMISSIONS BY OFFENSE**

Offense	Women	Men
Violent	17%	31%
Property	36%	28%
Drugs	39%	29%
All other	8%	12%

U.S. Department of Justice, Bureau of Justice Statistics, *Women Offenders*, December 1999, page 10.

TABLE 11

**TOTAL GROWTH OF SENTENCED PRISONERS
UNDER STATE JURISDICTION, BY OFFENSE AND GENDER,
1990-1998**

Offense	Women		Men	
	Increase	Percent	Increase	Percent
Total	33,600	100	418,600	100
Violent	9,000	27	220,300	53
Property	6,800	20	61,200	15
Drugs	12,100	36	75,000	18
Public-order	5,600	17	62,600	15

U.S. Department of Justice, Bureau of Justice Statistics, *Prisoners in 1999*, August 2000, page 10.

Similar to the analysis presented above, the War on Drugs is largely responsible for much of the increase use of incarceration for women. Between 1990 and 1998, drug offenders accounted for the largest source of the total growth among female inmates (36 percent) compared to male inmates (18 percent).

When we examine the offense composition of women in State prisons between 1979 and 1997, we see that the proportion convicted of violent and property crimes has been decreasing while the proportion of drug and public-order offenders has been growing.⁴⁹ In 1979, about half of the women in state prisons were incarcerated for violent crimes,⁵⁰ whereas in 1996, only 28 percent of female state prisoners were incarcerated for violent offenses.⁵¹

Many of these women are from third world countries or impoverished communities within the United States and are led or coerced into the roles of drug couriers or mules.⁵² Other than using and/or selling small quantities of drugs, women are incarcerated for simply living with a drug dealer, which is enough to implicate a woman. Often a woman living in this situation is economically dependent on the man and this relationship puts her at great risk for incarceration even if she is not directly involved in the drug business.⁵³ Chesney-Lind argues that these and other data suggest that “the ‘War on Drugs’ has become a war on women and has contributed to the explosion in women’s prison populations”.⁵⁴

Sentencing reforms have also influenced incarceration trends for women. As the violent crime rates increased, politicians basing their political platforms on getting tough on crime. The growing sentiment was that violent offenders were spending trivial sentences in prison and being returned to the community to resume their violent offending. These concerns were translated into sentencing reforms such as structured sentencing guidelines, mandatory sentences, truth in sentencing, and “three strikes and you’re out” – all in the name of deterrence and incapacitation.

When these policies were being introduced, the image of this criminal was a violent male predator who would repeat his atrocious acts unless he is incapacitated. But these policies also translated into the incarceration of women for property crimes and drug abuse as well as for first-time convictions. The result of this wave of reforms was reduced discretion on the part of judges in sentencing and an overall increase in the likelihood of arrest, conviction, and imprisonment of non-violent women. Between 1990 and 1996, there was a 42 percent increase in the number of convictions for women as compared to a 17 percent increase for men (Table 12). More than half of the increase in females convicted of property felonies was due to increases in forgery, fraud, or embezzlement.⁵⁵

TABLE 12
PERCENT CHANGE IN FELONY CONVICTIONS OF WOMEN AND MEN
BETWEEN 1990 & 1996

Offense	Women	Men
All	42%	17%
Violent	30%	12%
Property	44%	-2%
Drugs	37%	25%
Other	65%	44%

U.S. Department of Justice, Bureau of Justice Statistics, *Women Offenders*, December 1999, page 6.

TABLE 13
CRIMINAL HISTORY OF STATE PRISON INMATES BY GENDER, 1996

Percent of State Prison Inmates		
Criminal history	Women	Men
No Prior Felony Convictions	35%	23%
Juvenile Only	3%	7%
Adult Only	46%	39%
Both Adult and Juvenile	16%	31%
Number Prior Convictions		
0	35%	23%
1	17%	17%
2	16%	16%
3 or more	32%	43%

U.S. Department of Justice, Bureau of Justice Statistics, *Women Offenders*, December 1999, page 9.

TABLE 14

**PERCENT OF STATE AND FEDERAL PRISONERS WITH
MINOR CHILDREN BY GENDER, 1997**

Parental Status of Inmates	% of State Prisoners		% of Federal Prisoners	
	Men	Women	Men	Women
Have Children (under age 18)				
Yes	54.7	65.3	63.4	58.8
No	45.3	34.7	36.6	41.2
Number of Children				
1	24.0	20.5	24.0	24.5
2	15.6	18.7	18.7	17.1
3 or more	15.2	26.2	20.8	17.2

U.S. Department of Justice, Bureau of Justice Statistics, *Incarcerated Parents and Their Children*, August 2000, page 2.

Another striking indication of the impact of these more rigid sentencing policies is the proportion of imprisoned women (and men) who have no prior convictions. In 1998, 35 percent of women in state prisons and 23 percent of men had no prior convictions and an additional 17 percent of women and men, respectively, had only one prior conviction (Table 13). Chesney-Lind argues that these data demonstrate that the increase in women's imprisonment is not being fueled by similar increases in serious criminal offending or more serious criminal histories on the part of women.⁵⁶

One of the ramifications for increasing imprisonment of women is the impact this has on the children of these women. In 1997, 65 percent of the women in state prisons had minor children (under the age of 18) and 59 percent of those in federal prisons had children (Table 14). Before the War on Drugs and the 'get tough on crime' reforms, judges had the discretion to take the family responsibilities of the defendant—as well as the nature of the crime and prior convictions—into consideration when making sentencing decisions. Just over 20 percent had one child, just under 20 percent had two children, and over 20 percent had three or more children. When we look at the proportion of children in the U.S. who have a parent in prison, African American children (7 percent) were nearly 9 times more likely to have a parent in prison than White children (8 percent) and Hispanic children (2.6 percent) were 3 times as likely as White children to have an inmate parent.⁵⁷ Because of the rising numbers of women

prisoners, the number of children with a mother in prison nearly doubled since 1991 (up 98 percent).

Almost half of mothers in prison have never received a visit from their children. Because most states have only one prison for women—often located in rural areas far from the defendant's home, it becomes impossible for many children to visit their mothers.⁵⁸ A majority of women were held more than 100 miles from their last place of residence⁵⁹ and they will have little chance rearing their children because on average, women had an estimated 5 years to serve on their sentences in 1997. Another indication of the impact of 'get tough' policies is seen in the remarkable proportion of first-time offenders among these mothers (35 percent compared to 22 percent of fathers).

In addition, socioeconomic and mental health characteristics of these mothers paint a picture of glaring economic and psychological need: 25 percent of these mothers met the criteria for alcohol dependence, 14 percent in state prisons and 6 percent in federal prisons reported indications of a mental illness, 18 percent reported periods of homelessness in the year prior to admission, almost 70 percent reported incomes below \$1,000 in the month before arrest, and 28 percent were resorting to illegal sources for income in the month prior to arrest.⁶⁰

The question these figures raise are whether we are looking at a population of criminals or a population of women who lack effective substance abuse treatment and labor force training. A troubling ramification of the incarceration of mothers is that extant research has established the relationship between juvenile offending and juvenile parent's imprisonment. A mother's incarceration is likely to perpetuate the cycle of incarceration in the family.⁶¹

As we review the incarceration patterns and trends for women, we should bear in mind that women are less likely than men to engage in crime, especially violent crime. Penal policies have traditionally reserved the most harsh penalties for the most serious offenses, but we find that new policies have broadened the scope of types of offenders who are subject to incarceration. A significant number of incarcerated women have no or only one prior conviction, are mothers of minor children, and are there for property and drug offenses. The "feminization of poverty" has been used to explain women's involvement in criminal activities since these women often lack meaningful employment opportunities. By and large, their crimes are sex-role-specific such as writing bad checks, shoplifting, and credit card fraud.⁶²

The data presented here has led the American Society of Criminology's Division on Women and Crime to offer the following resolution:

Most women offenders are better served in the community rather than in

secure settings due to the relatively low levels of seriousness of their crimes and their amenability to treatment. By focusing on the strategies that directly address the problems of women in conflict with the law, the overuse and overcrowding of jails and prisons can be avoided. Therefore, the changes in public policy are needed so that the response to women's offending is one that emphasizes human needs rather than one that focuses solely on punitive sanctions. Money saved in reducing women's imprisonment could be invested in programs designed to meet their needs which would not only rehabilitate women but would also enrich the lives of their children and future generations.⁶³

D. The Conditions of Prisons and Prisoners

The conditions of the prisons and prisoners should be another area of concern for criminologists and the Society. Most prison systems are crowded with inmates housed in areas that were designed for program and recreational use. Not only does overcrowding contribute to prison violence, it may abort efforts to provide prisoners with vocational, educational, medical, mental health, and other treatment services.

In response to these crowded conditions, prisons officials double bunk cells, move four inmates into two person rooms, install beds or simply lay mattresses on the floor along cell block corridors, or in adjacent hall ways. They will also turn recreational and program space into ad hoc dormitories with beds laced in gymnasiums and classrooms. In some prisons, with the hallways lined with beds, there may be no space for prisoners to exercise indoors, participate in education, vocational training, counseling and pre-release programs.

Prison litigation continues to flourish despite recent efforts by Congress to limit such litigation through the passage of the Prison Litigation Reform Act in 1996. Over the past century, horrific prison conditions that have existed in our nation's prisons and jails which led to federal court intervention. Carroll provides a historical overview of the major federal court interventions that occurred in Arkansas, Alabama, Texas, Georgia and Rhode Island. As of 1995, the last year that these data were reported, 39 states plus the District of Columbia, Puerto Rico, the Virgin Islands and some of the nation's urban jails (Los Angeles, New York, Philadelphia, San Francisco, Seattle, and Chicago) were under court orders or consent decrees to limit crowding and/or improve basic living conditions.⁶⁴ Despite federal court intervention, there continue to be allegations of prisoner abuse as reported below by the American Civil Liberties Union (ACLU):

Rape and sexual abuse

- In Washington D.C., prison guards sexually assaulted female

prisoners on a routine basis. One officer raped a prisoner while she was sick in the infirmary.

- In Georgia, dozens of women inmates were forced to have sex with prison guards, maintenance workers and a prison chaplain. Many become pregnant and were then pressured into having abortions.
- In Louisiana, female prisoners were forced to have sex with prison staff, and with male inmates brought in by prison guards.

Physical abuse

- In a California prison, prisoners in restraints were severely beaten by guards. They were kicked, hit with batons, and burned with scalding water. Their heads were bashed, their teeth knocked out, their jaws fractured and their limbs broken.
- In Idaho, a 17-year-old boy in jail for failing to pay \$73 in traffic fines was tortured for 14 hours and finally murdered in his cell by other prisoners.
- In South Carolina, several suicidal juvenile inmates were transferred to the state mental hospital where, naked or in paper gowns, their hands and feet were bound to a bed and they were forcibly injected with psychotropic drugs.

Squalid conditions and lack of medical care

- In the U.S. Virgin Islands, one-man cells infested with rats housed four or five prisoners. Mattresses on the floor were soaked by overflowing toilets, and the drinking water was contaminated with sewage.
- In Pennsylvania, prison officials failed to implement basic tuberculosis prevention procedures despite warnings by the Commissioner of Health. As a result of a federal court order, over 450 prisoners infected with TB were identified in a single prison.

- In California, female prisoners received almost no pre-natal care and one prisoner gave birth on the floor of the jail without medical assistance three hours after telling prison staff that she was in active labor.

Inmates also pose unique medical, mental health and treatment needs. Hammett reports that hundreds of thousands of inmates suffer from a variety of infectious diseases and that these rates are much higher among inmates than within the general population (Tables 15 and 16).⁶⁵ Only small proportions of inmates being released from these systems continue to receive medical care.

TABLE 15
PREVALENCE OF INFECTIOUS DISEASES
AMONG US PRISON AND JAIL INMATES -- 1997

Condition	Prisons	Jails	Total Inmates
AIDS	0.5%	0.5%	9,200
HIV Infection (non-AIDS)	1.45 - 2.03%	1.45 - 2.03%	26,000 - 36,000
Total HIV/AIDS	--	--	35,000 - 46,000
RPR+ (Syphilis)	2.6 - 4.3%	2.6 - 4.3%	46,000 - 76,000
Chlamydia Infection	2.4%	2.4%	43,000
Gonorrhea Infection	1.0%	1.0%	18,000
Current/Chronic Hepatitis B Infection	2.0%	2.0%	36,000
Hepatitis C Infection	17- 18.6%	17 - 18.6%	303,000 -- 332,000
TB Disease	0.04%	0.17%	1,400
TB Infection	7.4%	7.3%	131,000

TABLE 16
ESTIMATED NUMBERS OF PERSONS WITH INFECTIOUS DISEASES PASSING
THROUGH CORRECTIONAL FACILITIES, 1997

Condition	Number of Releases With Condition	Total Number in US Population With Condition
AIDS	39,000	247,000
HIV Infection (non-AIDS)	112,000 - 158,000	503,000
Total HIV/AIDS	151,000 - 197,000	750,000
Current/ Chronic Hepatitis B Infection	155,000	1,000,000 - 1,250,000
Hepatitis C Infection	1,300,000 - 1,400,000	4,500,000
TB Disease	12,000	32,000

With respect to mental health issues, the U.S. Department of Justice estimates that 16 percent or 284,000 inmates are defined as mentally ill. Nearly one out of five have histories of physical or sexual abuse. Approximately 60 percent of these inmates were under the influence of drugs or alcohol at the time they committed the crimes that led to their current incarceration. The same proportion of inmates said they had received some form of treatment since being admitted to prison or jail. These inmates were more likely to have more severe prior criminal histories, lower employment records, and higher rates of prior sexual and physical abuse. They also tend to have higher rates of disciplinary problems and will serve longer prison terms.⁶⁶

If one were to generalize, it's apparent that there are two primary tracks for inmates who are imprisoned. The dominant track is for inmates sentenced for nonviolent crimes who will have a relatively short period of imprisonment (less than 15 months and many serving less than a year in state prison). Unless they become special management problems, they will spend most of their time in a medium or minimum security facility prior to their release.

The other track will be inmates who will spend many years incarcerated. Most (but not all) will have been convicted of a violent crime or will have been defined as "habitual" offenders. They will spend much of their time in the state's higher security facilities and will not be eligible for placement in the state's community corrections or minimum security programs until they near their release dates. Most of these inmates, especially sex offenders and inmates who have been incarcerated for many years and

are reaching middle age, will not be management problems.

While incarcerated, inmates can participate in a limited number of programs that are designed to assist them enhance their ability to succeed upon release. In general, these programs can be classified into four major categories -- education, vocational training, prison industry, substance abuse treatment, and a wide variety of counseling programs.

National data from several sources suggest that participation in such programs is relatively low. The most recent survey reported that one quarter of the entire prison population is idle and is not participating in any meaningful work or education programs (Table 17). Very small proportions are in structured vocational and educational programs. CJI reported that less than ten percent of the inmates were participating in formal education programs. The Bureau of Justice Statistics survey reported a 23% participation rate in some form of education program. The low education participation rates are instructive given that the most inmates lack a high school degree with many others being functionally illiterate.

Only 14 percent were reported to be participating in a substance abuse program despite the much larger number that have been convicted of substance abuse related crime and/or have a history of substance abuse.⁶⁷ Most of the states reported having Therapeutic Communities (TC) or the federally funded Residential Substance Abuse Treatment centers but these programs are quite small (75-150) inmates and are unable to capture a large share of the inmates with substance abuse histories. As Austin (1998) noted, the nature of prison operations make it virtually impossible for a significant number of inmates to participate in meaningful drug treatment.

The lack of full inmate participation in meaningful rehabilitative programs also can be traced to the lack of program staff and prison facilities that are badly crowded and are not well-suited for program services. Less than 20 percent of the prison staff are defined as education or treatment staff. Low pay, siting prisons in remote rural locations, high turnover and difficult working conditions where program operations are often curtailed or disrupted due to lock-downs or other security related considerations, compromise even the best designed treatment programs.

Prison research is now largely a quantitative enterprise. Few criminologists are actively involved in qualitative studies that would require them to spend considerable amounts of time observing the culture of today's prisons and their impact on staff and inmates. Some of our most important contributions to understanding prisons employed ethnographic methods (e.g., Sykes 1956; 1958; Sykes and Messinger, 1960; Jacobs, 1977; Lombardo, 1989).⁶⁸

TABLE 17
NATIONAL ESTIMATES OF PRISON INMATE NEEDS AND PROGRAMS

Key Prison Indicators	
Total Prison Population	1,300,000
Mental Health/Substance Abuse and Counseling Indicators	
Percent of Inmates with mental health problems	16%
Percent in Mental Health Programs	5%
Percent with Drug and/or Alcohol Histories	80%
Percent in some form of drug treatment	14%
Percent with Histories of Sexual and/or Physical Abuse	19%
Work Programs	
Percent of Inmates Idle	24%
Percent in Prison Industries	7%
Percent in Prison Farms/Agriculture Industries	5%
Percent in Full-Time Vocational Training or Education Programs	9%
Wages per day of work in public agency	Zero to \$7.06
Other Indicators	
Percent with 20 years to Life Sentences	23%
Percent in Administrative/Disciplinary Segregation	6%
Percent in Protective Custody	2%

Source: Criminal Justice Institute, 1999.

One of the unintended consequences of the growing use of imprisonment has been a growing number of criminologists who have experienced incarceration. The ASC now has a growing group of ex-convict professors in its membership who have made significant contributions to the literature on prison conditions and informs the following convict perspective. They represent an important perspective on the incarceration issue – one that have been sorely lacking in so called traditional or mainstream criminology.

Historically, ex-convict academics have carried out a number of significant ethnographic studies. Irwin, who served prison time in California, in a series of articles and monographs, drew upon his experience as a convict to interview prisoners and analyze jail admissions and subtle processes in prison.⁶⁹ McCleary⁷⁰, who did both state and federal time, wrote his classic "sociology of parole" through participant observation of parole officers at work and on the street. Terry⁷¹, a former California and Oregon state convict, wrote about how prisoners used humor to mitigate the managerial domination of penitentiary authorities. Newbold⁷², having served prison time in New Zealand, used both qualitative and quantitative methods to analyze crime and corrections in his country. Finally, Richards and Jones⁷³, both former prisoners, used "inside experience" to inform their observation and interviews of Iowa convicts upon their transfer to community work release centers. Each of these studies of benefitted from the inside experience of the researchers.

The dramatic increase in the numbers of American incarcerated has created a boom in prison construction with hundreds of new prisons being built ranging from minimum to super maximum security. Most inmates will spend their entire period of incarceration in general population with about 15-20 percent in what's known as special management units. Generally, minimum security referred to camps with no fences or low security facilities with a single perimeter fence while medium security facilities have heavy razor wire double fences, and maximum security have both fences walls with gun towers. Most inmates reside in medium and maximum security facilities.

Medium security prisons, traditionally "reformatories" for young adult prisoners, and referred to as "gladiator schools" by prisoners, have added security features like double fences, gun towers, and internal control architecture that resembles higher security institutions. The old reformatories, built in the early 1900's, were built to be "junior penitentiaries" with cellblocks of cages, industrial work shops, and some vocational and educational programs.

There are two styles of new construction medium security institutions, The first style is built of steel and concrete, with a yard, and separate buildings for administrative offices, factories, recreation and programs, and housing inmates. The housing units are separate buildings, with individual "pods," which house a few hundred prisoners each, and are usually one or two floors tall. These "units" organize prisoners into disciplinary steps, with each building representing different levels of privilege. For example, there may be a building for reception and departure (R & D), a unit for new prisoners, and additional units for ascending levels of good behavior. In

addition, each prison may have special cellblocks for administrative segregation or special housing units (SHU) for disciplinary violators (the hole), protective custody (PC), medical prisoners, the mentally ill, or special treatment programs (e.g., residential drug therapy, sex offender treatment, etc.) Prisoners are moved from one unit to another as they are evaluated, disciplined, or isolated as decided by the prison administration.

The second style is a cheaper version built with minimal consideration for the daily needs of prisoners. Many states are attempting to save on construction costs by building new medium security prisons of fabricated steel and concrete, with little stone or brick. The buildings may resemble large farm sheds with few windows, actually large metal pole barns on a concrete foundation. These penal facilities may nothing more than human warehouses, consisting of little more than security perimeters and housing units. The institution may have no recreational yard or gym, factories, or programs. The prisoners live in vast dormitory style housing units with hundreds of men sleeping on bunk beds, stacked two high, and arranged a few feet apart. Prisoners refer to these hastily constructed institutions as "bus stops," "pig pens," or "dog kennels," because of the chaotic confusion of living for years in huge open dormitories.

Maximum security prisons range from the old "big house" penitentiaries to the super max institutions. The big house penitentiaries, many of them built in the late 19th Century or early 20th Century, were fortress like structures, enclosed by walls 30 to 50 feet high, with buildings made of stone, brick, concrete, and steel, containing massive cellblocks, some five tiers high. These ancient prisons are still operating, even as they are supplemented by the construction of modern penitentiaries.

The new generation maximum security penitentiaries are more like massive factories that are enclosed by heavy security fences and gun towers. Fences are layered with rolls of razor wire, that may have carry an electric current, and include remote sensors, and video cameras to alert the guards of attempted escapes. Inside, these correctional institutions have limited space designated for inmate employment, recreation, or education. The housing units pods with single bed cells often filled with two inmates with a metal door, half bath, and communal showers at the end of each tier.

Virtually every secure facility has an isolation unit or a "jail" in which disruptive, difficult to manage, aggressive and escape risk prisoners are housed. Typically, this population represents less than one percent of the total inmate population, but can have a major impact on the prison system in general. Within this population is a small subset of prisoners that are the most difficult, most violent, and most difficult to manage, even in the confinements of a secure segregation unit. The management of this relatively small number of prisoners has consumed a tremendous amount of resources and effort due to their serious potential threat to staff, other prisoners and the community. Although each jurisdiction developed their own unique approaches to the issue, states have recently turned to the use of "Super Max " units or facilities to

control the most disruptive or potentially troublesome inmates.

In a survey conducted by the National Institute of Corrections in 1997 found at least 57 super-max facilities, with in excess of 13,500 beds in the United States. At the time of the survey ten jurisdictions were in the process of developing 3,000 additional super-max beds.⁷⁴ Super max units have very little inmate movement with prisoners are kept in their 60-80 square foot cells 22-23 hours a day.

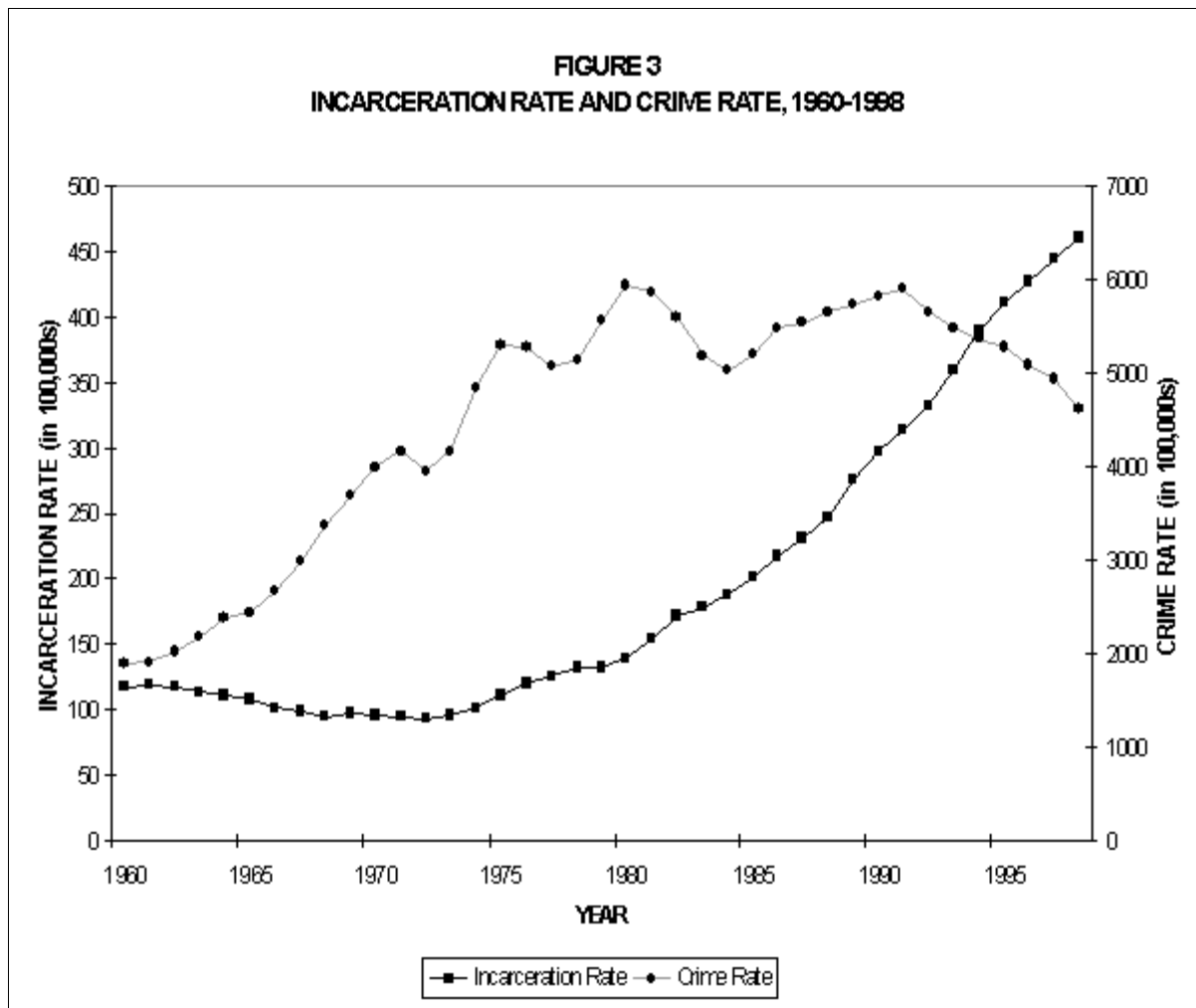
One example of these units is the Federal Bureau of Prison Florence supermax prison which is highest security prison in the U.S.. This prison was built not only to eliminate escapes, but also to defend from outside attack. The "outrider" (a guard that patrols outside the fence or wall) at medium and maximum security facilities is a correctional officer in a pick-up truck armed with a shotgun, who drives around the prison perimeter. The Florence outrider is a white armored personnel carrier (a tank without a cannon). It maintains a strict discipline, with few privileges, which does not allow for the normal "controlled movement" of prisoners from cells to the dinning hall, work assignments, and recreation.

There are 550 permanently lock down one man cells, but only half the cells are occupied at any given time. The empty cells are reserved for prisoners that may be transferred in from rebellious or rioting institutions. The prisoners are locked down 23 hours a day in cells and may be allowed one hour of exercise a day in a private room. They eat all their meals in their concrete "boxcar" cells. Levasseur, a prisoner in Florence, wrote about four point spread eagle restraints, forced feedings, cell extractions, mind control medications, and chemical weapons used to incapacitate prisoners.

We know very little above these super max facilities and the long-term consequences of this form of severe prison conditions on inmates. We do know that in most prisons, inmates assigned to administrative segregation and super max facilities may spend year's in these units before being released. And, we also know that some portion of these inmates are released directly from prison to the streets and, in some cases, with no parole supervision or assistance.

IV SUMMARY

The philosophy towards incarceration and its purpose has shifted from one of rehabilitation between the turn of the century and the middle of the 20th century to a philosophy of deterrence and, more recently, retribution. At one time, it seemed that prison was reserved for violent offenders who posed a threat to public safety and to those who were repeatedly convicted for felonious acts. More recently, a heightened fear of crime among the voting public coupled with economic prosperity has created a criminal justice system that imprisons persons who have never been convicted of violent crimes and who have had no prior convictions. The United States ranks second in the world incarceration rates behind Russia. The question that comes with the realization of incarceration rate trends is "is it worth it?"



The single justification for incarcerating so many Americans is that it reduces crime. This is, perhaps, the most hotly debated topic today. Some criminologists have argued that increasing prison populations not only reduces crime but actually saves money to taxpayers.⁷⁵ It is essentially a two variable equation which claims that as incarceration increases crime rates decline. Figure 3 shows crime rate and incarceration rate data from 1930 through 1998. As the chart indicates, prior to the 1970s, there were relatively low crime and incarceration rates. Thereafter, both measures have steadily grown. Only in the past five years have crime rates begun their steady decline while incarceration rates have continued to increase.

There have been a number of major studies conducted by criminologists which, at a minimum, question the utility of incarceration as an effective crime control policy. The National Academy of Sciences in its two Panels (Deterrent and Incapacitation Effects and Criminal Careers and “Career Criminals”) concluded that there is no systematic evidence that general incapacitation and selective incapacitation has had or could have a major impact on crime rates. Similarly, a 1998 review of “what works” by Sherman et al., concluded that while the incarceration of offenders who will continue to commit crimes would reduce crime, it also noted that “. . . the number of crimes prevented by locking up each additional offender declines with diminishing returns as less active and less serious offenders are incarcerated.”⁷⁶

Zimring and Hawkins in their critique of selective incarceration, observed that if the key assumptions of such a policy were true, crime would have been eliminated in the United States many years ago based on the dramatic increased of persons now incarcerated.⁷⁷ Linsky and Strauss found that states with the highest incarceration rates had the highest crime rates - a pattern that remains true today. Sampson and Laub found persons who experienced incarceration had higher rates of criminality.

One clear possibility is that current (sentencing) policies are producing unintended criminogenic effects. From our perspective, imprisonment may have powerful negative effects on the prospects of future employment and job employment. In turn, low income, unemployment, and underemployment are themselves linked to heightened risks of family disruption. Through its negative effects on male employment, imprisonment may thus lead indirectly through family disruption to increases in future rates of crime and violence. The extremely high rate of young black males renders this scenario very real.⁷⁸

And Clear and Moore argue that massive rates of incarceration may actually serve to worsen crime rates in certain low income communities by disrupting or destabilizing already fragile social and family structures income via the deportation of large numbers of males (and parents) from their families and communities.⁷⁹

Criminological theory and research clearly demonstrate that the causes of crime are complex and varied. While the response of the criminal justice system can have some impact on crime, it cannot in the long run be the most effective nor desirable policy for a society and its policy makers to adopt. In the United States, the use of incarceration may well have exceeded its potential benefits and needs to be re-examined and curtailed. For these reasons, we offer the following recommendations to the ASC membership.

Footnotes

1. Given the absence of scientific evidence that incarceration by itself reduces crime rates and its excessive use may have a negative impact on American society, the Society urges criminologists and policy makers to seek ways to *reduce* rather than increase or maintain the current use of incarceration. Such studies should initially focus on the relative effects of mandatory sentencing laws, increasing lengths of stay and recent increases in technical parole violations as these are the three largest and current contributors of prison growth.

2. Criminologists and policymakers should be especially concerned about the exceedingly high incarceration rates of African American and Hispanic males and the dramatic increases in the numbers of women and children being incarcerated. We believe these rates of imprisonment are having a devastating impact on certain segments of American society and local communities. We would urge the ASC and its membership to conduct studies that would examine the long-term implications of high life time incarceration rates for certain minority populations. The line of work can help us to understand the social cost of incarceration.

3. Related to the first two recommendations, studies are needed to evaluate the effects of the War on Drugs with particular attention its role in increasing rates of imprisonment for African Americans, Hispanics, women and their children.

4. Criminologists need to develop new methods for estimating the impacts of criminal justice legislation on minority populations and, in the absence of a compelling reason, to not pass laws that are believed to have disparate impacts. Additionally criminal justice agencies should adopt monitoring systems to uncover possible racial, ethnic, and gender biases in their decisions to incarcerate.

5. Studies are needed to examine prison and jail conditions and its impact on those who are experience incarceration as well as on their families and communities. In particular, studies of prison violence, the use of solitary confinement for prolonged periods of time, institutional crowding, access to rehabilitative programs, and other aspects of the prison experience are needed.

6. Experimental demonstration programs should be undertaken criminologists to test the most effective ways for reducing incarceration in the United States without jeopardizing public safety. In particular, the federal government should encourage state and local governments to explore methods for reducing admissions to prison, reducing the period of incarceration and rates of probation and parole violations ex-offenders who are unlikely to pose a threat to public safety.

**American Society of Criminology
National Policy Committee Members**

James Austin, Ph.D.

Dr. James Austin has over twenty-five years of experience in correctional planning and research. He is the Co-Director of The Institute on Crime, Justice, and Corrections at The George Washington University. Prior to joining The Institute, he was the Executive Vice President of The National Council on Crime and Delinquency. Dr. Austin began his career in criminology as correctional sociologist for the Illinois Department of Corrections where he was employed at the Stateville and Joliet Correctional Centers. He received his bachelors degree in sociology from Wheaton College, his masters degree in sociology from DePaul University in Chicago, and his doctorate, also in sociology, from the University of California, at Davis.

Dr. Austin serves, or has recently served, as director for several large NIJ-funded research and evaluation programs, most notably: the Correctional Options Evaluation, An Experimental Test of the Oklahoma Electronic Monitoring program, Evaluation of the Los Angeles Sheriff's Department (RID) Boot Camp Program, and Evaluation of Drug Treatment Programs in Local Correctional Agencies.

Dr. Austin has authored numerous publications. His most recent book, entitled *It's About Time: America's Imprisonment Binge*, was published in 1996 (co-authored with Dr. John Irwin). In 1991 he was named the American Correctional WASPC's recipient of the Peter P. Lejin's Research Award, and received the Western Society of Criminology Paul Tappan award for outstanding contributions in the field of criminology. Dr. Austin has conducted several studies of drug treatment programs within the U.S. criminal justice and correctional systems. He is currently directing the evaluation of the Michigan Department of Corrections Residential Substance Abuse Treatment (RSAT) program. He has also provided analysis of the impacts of various sentencing systems including penalties for drug crimes. Finally, he has been a lead consultant for the NIC Jail Center Objective Jail Classification program having participated in numerous training seminars and on-site assessments.

Marino Bruce, Ph.D.

Dr. Marino A. Bruce is an assistant professor at the University of Wisconsin-Madison in the Sociology Department. He is also an assistant editor for the Wisconsin Update and a member of the Faculty Senate. Dr. Bruce has been a member of the editorial board of Contemporary Sociology and a member on the Committee on Race and Ethnic Minorities, Southern Sociological Society. Dr. Bruce is currently an At-Large member on the Executive Committee of the Association of Black Sociologists.

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Dr. Bruce has authored many papers including, "Inequality Dynamics, Spatial Context and Criminogenic Behavior" (1998), "Party Animals and BadAsses: Evidence of the Gender, Race and Class Nexus" (1997), and "BadAss Masculinity" (1999), which was co-authored with Barbara J. Risman. He currently has several manuscripts in progress including, "Inequality, Interactional Complexity, and Violent Delinquency: An Exploration of Structural, Family, and Individual Considerations," and "Mapping the Masculine Terrain."

Dr. Bruce is a member of the American Sociological Association (Race and Ethnic Minorities Section; Crime, Law and Deviance Section); the Society for the Study of Social Problems (Race and Ethnic Minorities Division; Crime and Delinquency Division); the American Society of Criminology; the Association of Black Sociologists; the Southern Sociological Society, and the Sociologists for Women in Society.

Leo Carroll, Ph.D.

Leo Carroll received his Ph.D. in Sociology from Brown University in 1974. He has been on the faculty of the University of Rhode Island since 1972 and is currently Professor and Chair of the Department of Sociology and Anthropology.

Dr. Carroll has published extensively in the fields of criminology and criminal justice, focusing especially on racial issues. His dissertation—*Hacks, Blacks and Cons: Race Relations in a Maximum Security Prison*—was published in 1974, updated and republished in 1988, and is still widely cited by other researchers. His most recent book—*Lawful Order: A Case Study in Correctional Crisis and Reform*—received the Outstanding Book Award this year from the Academy of Criminal Justice Sciences. The award is given each year to a book that makes an "extraordinary contribution to the study of crime and criminal justice."

In addition to these books, Carroll has published over 30 articles in some of the most prestigious professional journals in his field including the *American Sociological Review*, *Law and Society Review*, *Criminology*, and *Justice Quarterly*. These articles employ a wide range of methodologies from sophisticated quantitative analyses of issues such as the impact of racial disorders on the growth of municipal police forces to ethnographic analyses of race differences in the strategies employed by inmates to counter the power of correctional officers.

Carroll currently chairs the Corrections Section of the Academy of Criminal Justice Sciences, serves on the National Policy Committee of the American Society of Criminology, and is a member of the Editorial Board of *Criminal Justice Policy Review*.

Patricia L. McCall, Ph.D.

Dr. McCall received her Ph.D. from the University of Texas at Austin and is currently an associate professor at North Carolina State University in the Department of Sociology and Anthropology and a Research Associate in Sociology at Duke University. Dr. McCall was awarded a two-year Post-Doctoral Fellowship at the Center for the Study of Aging and Human Development at the Duke University Medical Center, and has also received the Gary D. Hill Teaching Excellence Award.

Dr. McCall has received several grants for research in the area of violent crime, particularly examining violent deaths (suicide and homicide), with her current project examining recidivism prediction utilizing neural network models. Dr. McCall has also published many articles, with a focus on race, gender, structural conditions, and crime, including "Structural Conditions and Racial Homicide Patterns: A Look at the Multiple Disadvantages in Urban Areas" (with Karen Parker), and "Discrete Time-Hazard Regression Models with Hidden Heterogeneity: The Semiparametric Mixed Poisson Regression Approach" (with Kenneth Land, and Daniel Nagin).

Stephen C. Richards, Ph.D.

Dr. Richards is an Associate Professor of Sociology and Criminology at Northern Kentucky University. Arrested in 1982, he was threatened, and then charged with ten counts of Conspiracy to Distribute Marijuana, a total of 150 years if convicted (fifteen years for each count). Upon being convicted of one count, he appealed the case to the U.S. Court of Appeals in 1983 and the U.S. Supreme Court in 1984.

Although his federal parole guidelines sentence indicated a 12 month sentence, he was sentenced to nine years and designated to maximum security penitentiary (USP Atlanta). Altogether, he stood trial in three federal courtrooms (U.S. District Court, U.S. Court of Appeals, U.S. Supreme Court), served eleven years of correctional custody, including time in two jails (South Carolina), nine prisons in six different states, one work release center, and had six different parole officers. As a federal prisoner he did time in maximum security behind the wall of penitentiaries (USP Atlanta, USP Terre Haute, USP Marion, USP Leavenworth), in medium security within the razor wire perimeters of correctional institutions (FCI Talladega, FCI Oxford) and minimum security in three different federal camps (FPC TerreHaute, FPC Leavenworth, FPC Oxford).

Richards completed his B.S. in Sociology while at FPC Oxford (University of Wisconsin-Madison, 1986). Released from federal prison in 1987, he completed his M.A. in Sociology (University of Wisconsin-Milwaukee, 1989) and Ph.D. in Sociology (Iowa State University, 1992). He has published work on tattoos, prisons, structural impediments to re-entry, community punishments, and state crime. He is currently completing USP Marion: The First Super Max Penitentiary (with Jeffrey Ian Ross).

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