



Moving Target

*A Decade of Resistance to the
Prison Industrial Complex*

A Justice Policy Institute Report to commemorate
the 10th anniversary of Critical Resistance
September 2008

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Introduction

“The pandemic of fear and distrust, laced with contempt for enemy classes devoid of redeeming qualities (i.e., “people who hate freedom”), and combined with the growing number of paychecks attached to social control, undermines our collective willingness and ability to imagine “A World Without Prisons,” let alone organize the local and transnational effort required for its creation.”

Geoff Ward, Criminal Justice Professor
at Northeastern University¹

For the past 10 years, Critical Resistance has helped advocates imagine the possibility of a world without bars. By questioning the necessity and effectiveness of the very foundations of our criminal justice system—incarceration, surveillance, policing—Critical Resistance has furthered the notion that nothing can “fix” the criminal justice system. Instead, if our country is to truly reclaim its communities, the criminal justice system must be dismantled. There is no “fix” for a system built on racism and fear and actualized through the social control of the poor. As a result of Critical Resistance and other groups’ community organizing, activists and stakeholders throughout the country recognize that there is no correlation between crime and punishment in this country and safe and vibrant communities.

Despite evidence that investments in prisons and policing are not effective in increasing public safety, the prison industrial complex (PIC) continues to consume considerable governmental resources. In fact, history shows that states that increase their funding for the PIC do not necessarily see crime rates drop any more than states that do not. More specifically, we now know that increasing prison and jail populations does not produce lower crime rates.² Yet the United States appears determined to cling to incar-

ceration—the one thoroughly studied and disproven method of sustaining healthy communities.

So if the criminal justice system is not really about creating safe communities, what is it? Critical Resistance answered this question by developing its analysis of the prison industrial complex or PIC. The prison industrial complex is a complicated system situated at the intersection of governmental and private interests that uses imprisonment, policing, and surveillance as a solution to social, political, and economic problems. The imprisonment crisis in the United States and the continued failure to invest in policies and programs that build on the strengths of our communities cannot be attributed to racism, media hysteria, or corporate greed alone. The complex interaction of these factors (and many others) has created a reality in which more than seven million people live under the control of the criminal justice system.³

The prison industrial complex clearly manifests all the inequities that still exist in the United States. With one in nine black men ages 20 to 34 behind bars,⁴ the disproportionate involvement of people living with mental illness and substance abuse, the use of the criminal justice system to enforce immigration laws, the skyrocketing imprisonment rates for women, and the specific targeting of poor communities, the system is molded by the forces of racism, able-ism, xenophobia, sexism, and classism. All modern day struggles for justice are implicated in criminal justice reform efforts because the current system magnifies all the ways in which the United States of America fails many of the people who live within its borders. But the success of the burgeoning national movement to decarcerate and divest from prisons and other negative public safety investments reveals a promising potential for real change.

While a national movement to resist the prison industrial complex has grown, the PIC has flourished and, in some cases, shifted its shape. Prisons remain an important target for the resistance movement, but jail populations have dramatically increased and their growth far

surpasses annual prison growth.⁵ Federal and state governments continue to lavish police departments with resources—with a 77 percent increase in funding over the past 10 years.⁶ And the complex forces of racism, media hype, and a stalled economy have contributed to the criminalization of immigration.

Many industries still profit from the United States' addiction to incarceration. Although the private prison industry has not grown at the rate once expected, it is still a profitable, politically connected industry. In 2000-2001, Corrections Corporation of America's (CCA) stock plummeted, but now in 2008 it is steadily increasing.⁷ Indeed, private prison companies are betting that they will continue to make a profit, because in their view there is limited momentum for sentencing reform. Some politicians also remain enamored of the private prison industry. In his 2004 state of the state address, former Republican National Committee chairman and current governor of Mississippi, Haley Barbour, hyped his commitment to private prisons and announced the reopening of a formerly shuttered facility that is run by CCA. Related businesses that provide telecommunications, food, and other contractual services to prisons and jails continue to turn serious profits. Perhaps most disturbing is that, in the post-industrial United States, politicians tout prisons and jails as economic development tools.

The prison industrial complex has become increasingly federalized. Funding for federal police resources has increased by 57 percent over the past eight years⁸ and is justified by the federal government's focus on fighting terrorism and enforcing immigration laws. But the federal government has also been busy creating new reasons to incarcerate. From 2000 to 2007, Congress added 454 new offenses to the federal criminal code.⁹ Not surprisingly, this increase in federal crimes coincided with a 32 percent increase in the number of federal prisoners.¹⁰

Technological advances have driven the growth of police surveillance tactics. As cameras have become less expensive and more advanced, police departments across the country target poor neighborhoods with surveillance cameras. Sixty percent of all police departments nationwide use some form of mounted surveillance camera,¹¹ despite the lack of evidence that these cameras decrease violence in our communities. Video surveillance is a \$9.2 billion industry—a tremendous waste given the sorts of resources we could flood our communities with for that amount of money.¹²

Challenging the Prison Industrial Complex

During the past 10 years, efforts to dismantle the prison industrial complex have taken various forms:

- Mothers of children in Louisiana prisons led a first-of-its-kind effort to close down a horrifically abusive juvenile prison and formed Family and Friends of Louisiana's Incarcerated Children (FFLIC), a powerful advocacy organization that continues to lead the juvenile justice reform movement.
- Grassroots Leadership has developed numerous successful campaigns throughout the Deep South that have reduced the number of private prisons in that region.
- Members of the Community in Unity Coalition, including Critical Resistance of New York City, built a powerful coalition that defeated a proposal for a 2,000 bed jail in the south Bronx.
- Copwatch chapters have sprouted up coast to coast, providing communities with the tools they need to hold police officers accountable for abuses of power. Community-based movements revealed the powerful economic drivers behind imprisonment.
- In New York, the Campaign for Telephone Justice took on the telephone companies and significantly reduced the financial burdens families incur when trying to stay connected to their incarcerated loved ones.
- The Southern Center for Human Rights and the Alabama Women's Resource Network used a class action lawsuit over inhumane conditions in an Alabama women's prison to launch a campaign to close an overcrowded and dilapidated women's prison. As a result of this advocacy, a recent Alabama legislative task force endorsed a plan to reduce the number of incarcerated women in Alabama by investing in community services and regionally-based alternatives to prison. Sustained media campaigns throughout the country have turned the tide of major editorial boards that now rally behind "treatment not incarceration" for people struggling with substance use and that decry the incarceration of people living with mental illness.
- In Mississippi, children who survived serious physical and emotional abuse while incarcerated repeatedly testified before the legislature and helped convince lawmakers to permanently close the facility in which the most horrific abuses occurred.
- Critical Resistance and its allies across the country have engaged social justice advocates from diverse fields in the struggle to dismantle the PIC. These dynamic partnerships frequently include educators, environmental justice advocates, and members of organized labor and the faith based community.

The media remain a vibrant force in both creating and dismantling the prison industrial complex. Media sensationalism creates public panic about crime and safety, but a comparison of crime reporting and crime rates indicates that the media overhype the existence of crime in our communities and do not reflect the realities of public safety. The war on drugs provides an important example of how the media fuel bad public policy. Studies show that media reports overwhelmingly focus on the need to “get tough” on drugs and rarely discuss the failures of these policies to increase safety in our communities. The media almost wholly ignore the fact that, according to the federal government, whites and African Americans use drugs at the same rate. Yet African Americans are imprisoned for drug offenses at 10 times the rate of their white counterparts.

The war on drugs remains a vital force of the prison industrial complex. The stark racial disproportionality of drug imprisonment rates suggests that drug policy is laden with overt racial bias. An examination of drug war funding reveals the federal government’s relatively minimal investment in programs that actually help people kick their addictions, especially when compared to the billions of dollars poured into the PIC in the name of the drug war. The federal Office of National Drug Control Policy spent two-thirds of its budget during FY 2008 on law enforcement and interdiction, and it invested only one-third on drug treatment and prevention.¹³ This allocation of resources directly contributes to the disproportional imprisonment of African Americans for drug offenses. Whites generally have greater access to drug treatment than do people of color and they are admitted to drug treatment at more than twice the rate of African Americans.¹⁴

Police departments have become increasingly militarized as a result of the continued war on drugs. Police paramilitary units or SWAT teams now exist in 90 percent of the police departments that serve communities with more than 50,000 people.¹⁵ These units are responsible for some of the most controversial and deadly police practices in use today. During several botched drug raids, SWAT teams have killed innocent people, including a 92-year-old woman in Atlanta.¹⁶

Drug use is just one of the perceived social problems that PIC proponents try to solve through more prisons and more policing. Government entities struggling to address homelessness, mental illness, and immigration have also turned to the prison industrial complex with failed results. In these contexts, the PIC targets

with law enforcement strategies and imprisonment specific populations that have been deemed undesirable. For example, policies that criminalize homelessness have their origin in the “broken windows” theory. This theory suggests that unkempt neighborhoods attract a criminal element, so crime can be controlled by a rigorous enforcement of “quality of life” ordinances that regulate panhandling, sleeping in public, and other public order offenses. There is no evidence that incarcerating the homeless increases public safety, but since formerly incarcerated people frequently struggle to find a job or stable living situation, it is certain that incarceration is a destabilizing force that will likely serve only to exacerbate the very conditions that contribute to homelessness.

Jailing Communities: The Impact of Jail Expansion and Effective Public Safety Strategies, a recent Justice Policy Institute report, documents that 60 percent of the jail population lives with a mental health disorder, compared to 10.6 percent of the general population.¹⁷ People living with mental illness are swept into the criminal justice system because of the failures of the public mental health system and the lack of adequate treatment in most poor communities. As a result, prisons and jails alike function as the largest psychiatric facilities in the country. In some states, jails actually function as quasi-mental health crisis centers. In Kentucky, Mississippi, Alaska, Montana, Wyoming, and New Mexico, jails are specifically authorized by state statute to hold individuals who are awaiting a bed in a mental health facility. While the PIC is resource-rich in many ways, prisons and jails are ill-equipped to meet the complex needs of people living with mental illness. Incarceration itself can contribute to the decompensation of many people with mental illness. There is some evidence that policymakers have begun to pay attention to these phenomena and are focusing efforts on strategies that will end the criminalization of people living with mental illness. The long-term success of these initiatives has yet to be evaluated.

Policymakers have injected the PIC with significant resources to address the perceived immigration crisis in the United States. The number of U.S. border police has skyrocketed during the last decade—from fewer than 4,000 in 1990 to more than 10,000 currently patrolling the border.¹⁸ Since 1995, Immigration and Customs Enforcement has increased by more than 200 percent the number of people it incarcerates.¹⁹ The immigration-related expansion of the PIC is fueled by xenophobic and racist media coverage of the immigration debate that uses false, inflammatory rhetoric to link immigration with crime. In reality,

the number of undocumented immigrants increased from 19.8 million in 1990 to 31.1 million in 2000.²⁰ During the same time that immigration increased, crime rates plummeted to some of the lowest in U.S. history. Despite the extremely tenuous link between immigration and public safety, the PIC has deeply ingratiated itself into the immigration debate.

Despite the apparent intransience of the PIC, evidence exists that in some instances policymakers and the general public are beginning to question the efficacy and fairness of the United States' reliance on prisons and policing. A poll revealed that in 1994 only 48 percent of the public supported interventions that addressed the underlying causes of crime such as poverty and lack of education, whereas in 2002, 65 percent of the public supported these sorts of interventions over stricter sentencing.²¹ This shift in sentiment comes at the same time that crime is at its lowest point in 30 years. Policymakers' willingness to rethink our reliance on incarceration is likely informed by the documented failure of prisons and jails to contribute to safe communities. According to the most recent data, 67 percent of people released from prison were re-arrested within three years of their release, and 51 percent were re-imprisoned for either a parole violation or a new conviction.²² With

“When we look back at supposedly civilized societies in the past, we are amazed at how complacently they accepted such obvious evils as slavery, child labor and torture. Surely, people in centuries hence will be similarly astonished at our own moral blind spots. But what might they be? After a little reflection, you may wish to hazard a guess. Here’s mine: punishment by imprisonment.”

Jim Holt, New York Times Magazine²³

such dismal success rates, it is no wonder that some policymakers are seeking alternative ways to invest criminal justice dollars.

Investments in education, employment, mental health services, and substance abuse treatment not only have proven to be far more effective at creating safe communities than PIC-related expenditures, but also cost far less. An emerging trend in states throughout the country is the increase in positive public safety investments and the development of alternatives to the traditional criminal justice response of imprisonment.

10 YEARS BY THE NUMBERS: Imprisonment, crime, policing, and spending over the last decade

The system expands

Consider a world in which a country's entire population is under the control of the criminal justice system—either imprisoned or on probation or parole. The prison industrial complex has created this reality. More than seven million people—a number equal to the population of Israel—live their lives under the control of the criminal justice system in the United States.

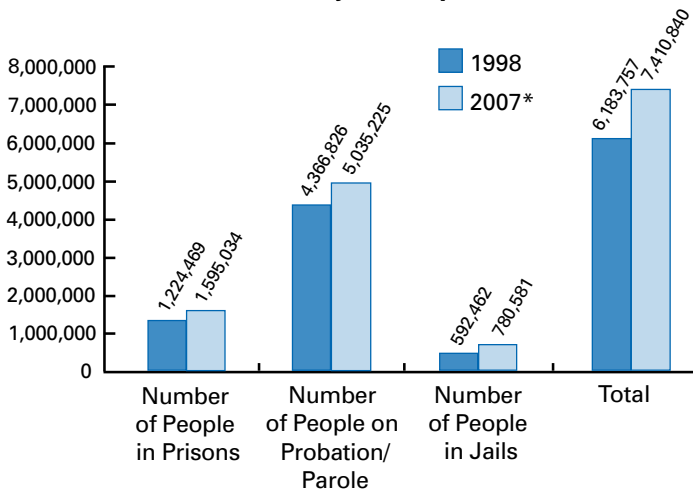
Without question, during the past decade, the criminal justice system has ensnared an ever growing number of people—growing at an overall rate of 20 percent.²⁴ The number of people in prison has increased by 30 percent and the jail population has grown 32 percent

since 1998. At the same time, the number of people on probation or parole has increased by 15 percent. This massive growth in the number of people involved in the criminal justice system has detrimental effects on state and local budgets, on public safety, and on the 7.4 million people under criminal justice control.

The target shifts: Prison growth slows while jail populations multiply

More than a decade ago, the prison population was growing at a rapid pace with increases of almost 5 percent seen annually. In recent years, the growth of the prison population has slowed.²⁵ This may be because jails are now the driving force behind incarceration in the U.S. Between 2001 and 2006, the jail population grew at twice the rate of the prison population,²⁶ but the relative slow growth of the prison population may also reflect some government entities' realization that imprisonment fails to create healthy communities.

In 2007, there were more than 7.4 million people under the control of the criminal justice system.



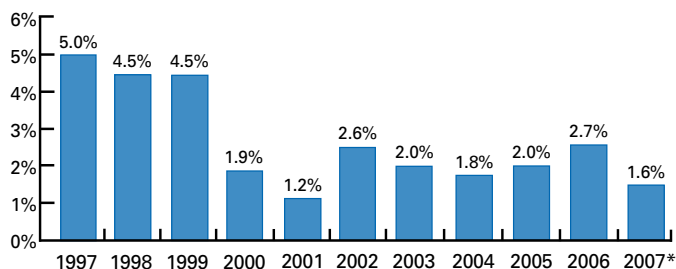
*2007 numbers are as of June 30, 2007. Probation and parole numbers are from 2006; 2007 numbers are not yet available.

Source: Bureau of Justice Statistics, "Key Facts at a Glance: Correctional Populations," www.ojp.usdoj.gov/bjs/glance/tables/corr2tab.htm; William J. Sabol and Heather Couture, *Prison Inmates at Midyear 2007* (Washington, D.C.: Bureau of Justice Statistics, 2008), www.ojp.usdoj.gov/bjs/abstract/pim07.htm; William J. Sabol and Todd D. Minton, *Jail Inmates at Midyear 2007* (Washington, D.C.: Bureau of Justice Statistics, 2008), www.ojp.usdoj.gov/bjs/abstract/jim07.htm.

People of color continue to be overrepresented in prisons and jails

African Americans and Latinos bear the brunt of the increased use of prisons and jails. A recent report by the Pew Center on the States found that one out of every 100 adults in the U.S. is behind bars, but one out of every nine African American men between the ages of 20 and 34 and one out of every 36 Hispanic adults is imprisoned.²⁷ According to numbers from the Department of Justice, African Americans are now more than five times as likely and Latinos are more than twice as likely as whites to be housed in a prison or jail.²⁸ Although African Americans and Latinos combined make up only a third of the U.S. population, they constitute almost two-thirds of the prison and jail populations.

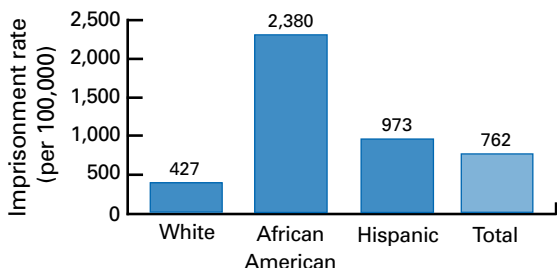
The yearly increases in the number of people in federal and state prisons has slowed but is still growing significantly.



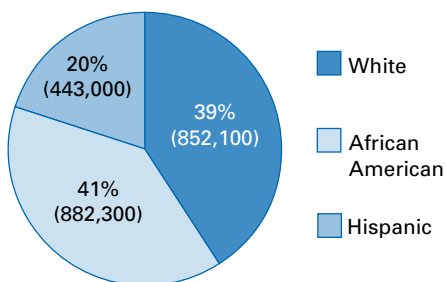
*2007 numbers include only the first 6 months of 2007.

Source: Bureau of Justice Statistics, "Key Facts at a Glance: Correctional Populations," www.ojp.usdoj.gov/bjs/glance/tables/corr2tab.htm; William J. Sabol and Heather Couture, *Prison Inmates at Midyear 2007* (Washington, D.C.: Bureau of Justice Statistics, 2008) www.ojp.usdoj.gov/bjs/abstract/pim07.htm; William J. Sabol and Todd D. Minton, *Jail Inmates at Midyear 2007* (Washington, D.C.: Bureau of Justice Statistics, 2008) www.ojp.usdoj.gov/bjs/abstract/jim07.htm.

African Americans are more than five times as likely as whites and more than twice as likely as Hispanics to be imprisoned in a jail or prison in the U.S.



African Americans and Hispanics make up one third of the U.S. population but makeup 61 percent of the imprisoned population.

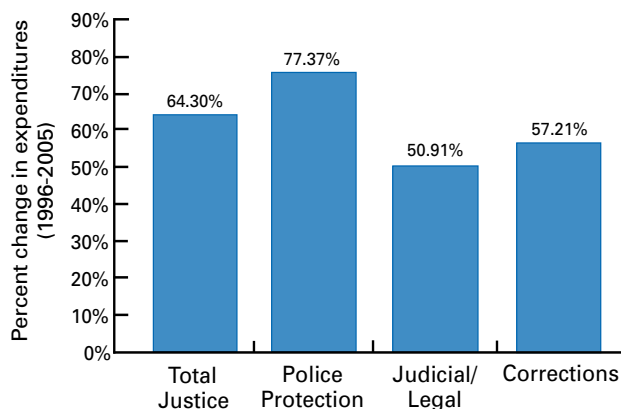


Source: William J. Sabol and Heather Couture, *Prison Inmates at Midyear 2007* (Washington, D.C.: Bureau of Justice Statistics, 2008).

The PIC continues to absorb billions of our tax dollars

From 1996 to 2005, government spending on criminal justice-related expenses increased by 64 percent. This increase represents additional funding for police, prisons, jails, and the judiciary. The police and related expenditures grew the fastest in the last decade with a 77 percent increase since 1996.²⁹ In 2005, the United States spent \$213 billion on the criminal justice system: \$98 billion on police, \$68 billion on corrections, and \$47 billion on the judiciary. By way of comparison, in 2005, state and local governments spent less than \$42 billion on housing and \$192 billion on higher education.³⁰ It remains impossible to calculate the lost opportunity cost of these investments—every dollar spent on the prison industrial complex is a dollar withheld from programs that educate our children and build on the strengths of our communities; but the increased investing in PIC-related costs clearly demonstrate a shift in priorities from such things as education and community development.

Total justice expenditures across federal, state and local governments have grown 64 percent in the last decade.

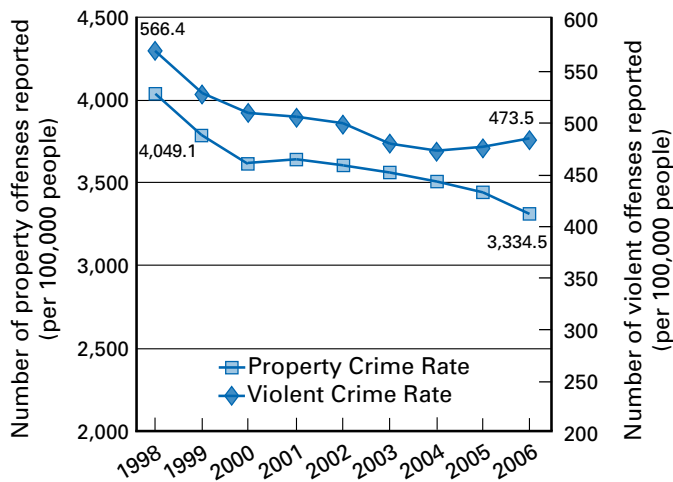


Source: Bureau of Justice Statistics, "Expenditure National Estimates," *Expenditure and Employment Database*, <http://bjsdata.ojp.usdoj.gov/dataonline/Search/EandE/index.cfm>.

Crime is at nearly its lowest point in the past 30 years and continues to fall.³¹

The majority of Americans are safer today than ever before. In 2006, the most recent year available for national crime rates, there was one incident of violent crime (murder, rape, robbery, or aggravated assault) for every 211 people in the U.S. and there was one incident of property crime (burglary, larceny, or motor vehicle theft) for every 30 people.³² In comparison, in 1998, there was one violent crime for every 176 people and one property crime for every 25 people; so the rate of victimization fell 30 percent in the last decade.

Since 1998, violent and property crime rates have fallen.



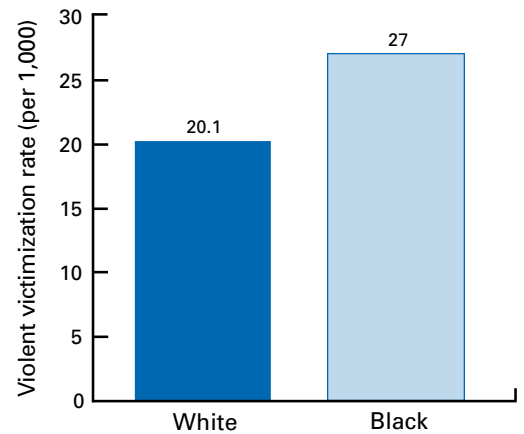
Source: FBI Uniform Crime Report, *Crime in the United States*, 1998-2006.

Crime still affects certain communities disproportionately

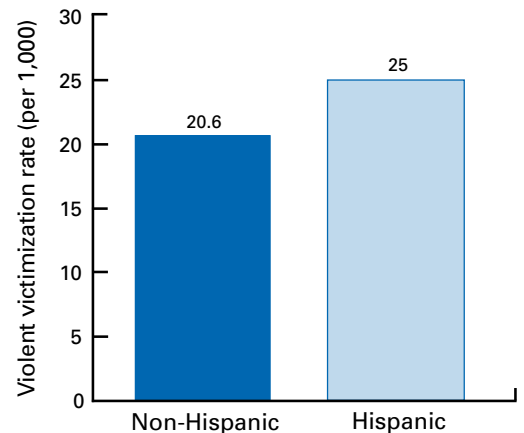
Despite the overall decrease in violent crime in the last decade, violence is still a challenge for many communities, especially poor communities of color. The 2005 National Crime Victimization Survey (NCVS) shows that African Americans are 34 percent more likely than whites to be a victim of a violent crime and that people of Hispanic origin are 21 percent more likely than people who are not of Hispanic origin to be a victim.

Members of households that make less than \$7,500 per year are more than twice as likely as those in households that make more than \$75,000 per year to be victims of violent crimes. As illustrated in the accompanying graph, increasing income is associated with a decrease in incidents of violent victimization.

People of color are victims of violent crimes at higher rates than white people.



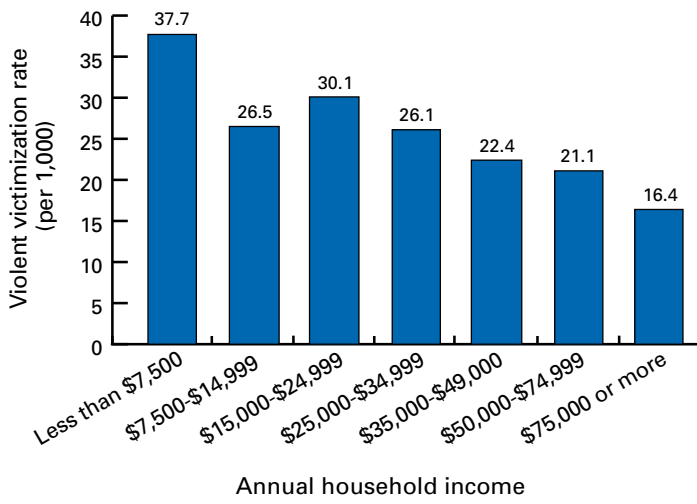
People of Hispanic ethnicity are victims of violent crimes at higher rates than people who are not of Hispanic ethnicity.



Note: Hispanic ethnicity includes people who are of any race.

Source: Shannan Michelle Catalano, *Criminal Victimization, 2005*, Table 4. Violent victimization rates for selected demographic groups, 1993-2005 (Washington, D.C.: Bureau of Justice Statistics, 2006).

People with lower income are victims of violent crimes at higher rates than people with higher incomes.



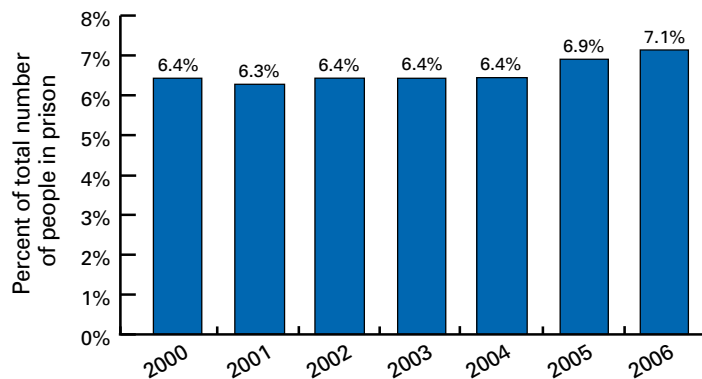
Source: Shannan Michelle Catalano, *Criminal Victimization, 2005*, Table 4. Violent victimization rates for selected demographic groups, 1993-2005 (Washington, D.C.: Bureau of Justice Statistics, 2006).

PROFITING FROM PRISONS: A risky proposition for both corporations and communities

While prison growth has slowed considerably since the 1990s, the United States still imprisons an astronomical proportion of its population. One out

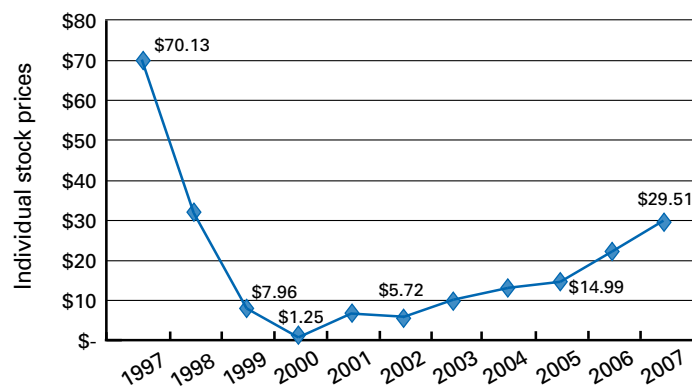
of every 100 American adults (more than two million individuals) lives behind bars.³³ Even if the current slowed growth rates remain steady, by 2019 the United States will be imprisoning three million people.³⁴ For private prison corporations and the various state contractors that make money from the incarceration industry, people behind bars represent a significant profit. Private corrections corporations pose special challenges to the dismantling of the PIC, because these corporations create a market incentive to increase incarceration rates and cut the costs of operating prisons, often at the expense of the health and safety of the people imprisoned inside privately run facilities. But making money by imprisoning people is a risky business. The stock of private prison companies has fluctuated wildly during the past 10 years and these corporations face tremendous legal liability. Perhaps reflecting these realities, private prison companies have grown at a relatively slow rate.

Since 2000, the percentage of the total number of people in state and federal prison that are held in private facilities has changed less than one percent.



Source: William J. Sabol, Heather Couture, and Paige M. Harrison. *Prisoners in 2006* (Washington, D.C.: Bureau of Justice Statistics, 2007).

After experiencing a 98 percent drop between 1997 and 2000, Corrections Corporation of America stock prices are steadily increasing.



Source: Corrections Corporation of America, "Historic Stock Lookup," May 29, 2008, <http://investor.shareholder.com/cxw/stocklookup.cfm>.

In 2001, the Bureau of Justice Assistance published a monograph coauthored by James Austin, a renowned prison researcher, predicting that, like the general prison population, the number of private prisons may increase, though not as quickly as it had in previous years. According to the Bureau of Justice Statistics the percentage of the total number of people in state and federal prison who are held in private facilities has changed less than one percent since 2000.³⁵

As long as the number of people held in private prisons and jails remains relatively constant, private prisons will remain a profitable enterprise. For reasons that are unclear, in 2000, the stock of Corrections Corporation of America (CCA), the largest private prison company in the U.S., plummeted significantly, but during the last seven years its stock price has been steadily rising. CCA recently posted a \$35 million profit in the last quarter of 2007, up from \$32 million in the same period in 2006.³⁶ Clearly, the private prison industry remains a vital force.

“We continue to benefit from a positive environment where the demand for prison beds exceeds the supply, and we believe CCA is well positioned to take advantage of this market dynamic to continue building shareholder value.”

Corrections Corporation of America 2007 Annual Report³⁷

States and corporations profit from the labor of people who are imprisoned

For many, the notion of prison labor conjures images of a dark time in our country’s history when “convicts” in the Deep South were leased to landowners to compensate for slavery’s abolition. In many ways, convict leasing replaced the labor that was lost after emancipation.³⁸ Modern echoes of this practice are found in prisons throughout the country that have perpetuated the use of prison labor.

Industry in prison operates in two ways: jurisdictions either set up industries managed by the jurisdiction itself or the jurisdiction, usually a state, contracts with an outside company to use the labor of the people in the prison. Federal Prison Industries, a corporation of the Federal Bureau of Prisons, has an online catalogue of merchandise for purchase by other federal agencies, including office furniture and clothing. State prison industries employed 56,000 people in prison in 1999 and, according to research published in *Labor Studies Journal* in 2002, generated \$3 billion in sales and \$67 million in profits for the states.³⁹

In 1979, Congress established the Prison Industry Enhancement Certification Program to authorize private companies to employ people who are held behind bars and to execute contracts.⁴⁰ Companies justify the use of prison labor by claiming the desire to keep jobs in the U.S., but private companies and state corrections agencies alike reap significant financial benefits through this practice. Companies frequently pay prisoners far less than minimum wage to build furniture, sew clothing, telemarket, make car parts, recycle computers, and do other jobs that are considered “low-skilled.”⁴¹ State correctional agencies generally garnish these wages by charging inmates for room and board and other expenses.⁴² This process ensures that resources are pumped back into prisons and that individuals behind bars see little—if any—of their earnings.⁴³

Some advocates for the use of prison labor claim that these jobs provide prisoners with training for life post-imprisonment. In reality, prison labor is no substitute for targeted job training and skill development. Prison labor was developed solely to meet the needs of correctional authorities and private corporations. Also, any job prison industry is likely going to be a low-skilled job that would be very difficult to obtain in the outside economy. For example, few clothing companies employ American laborers in the general economy to sew clothes.⁴⁴

Prisons fail as an economic development tool

In the post-industrial United States, communities clamor for industries that can provide stable incomes. Many communities—particularly in rural America—have turned to prisons to fill this need;⁴⁵ but prisons fail to provide a stable economic anchor for most communities. A majority of jobs provided by prisons are low-wage, low-skilled, and provide minimal opportunities for professional growth. By and large, prisons serve as another type of service industry in which a disproportionate number of people serving as guards are women and people of color.⁴⁶ The failure of prisons to economically revitalize communities is well-documented:

- In late 2007, the *Washington Post* profiled the Eastern Shore of Maryland, which is increasingly turning to the prison industry to provide jobs for people formerly employed in the crab-fishing industry. The people in the article describe the prison as drawing them from the crab industry, contributing to the death of what was once a defining industry in Maryland.⁴⁷
- The Public Broadcasting Service released a film in 2007 profiling Susanville, CA, which has one of the largest prison facilities in the country. The community opened the prison to provide jobs, but the film reveals tensions between the people who work in the prison and those who don’t, highlights local businesspeople whose products are not purchased by the prison despite promises from those who built the prisons, and depicts the emotional and physical toll of working in a prison environment.⁴⁸
- In *Golden Gulag*, Ruth Wilson Gilmore of the University of Southern California, documents that counties in California were eager to build prisons to provide jobs for their residents, but after prison

construction, few people from the area were actually employed at the prison.⁴⁹ Only 10 percent of the jobs at the prison were given to people already living in the county.

“At correctional officer training academy, Dawayne and Gabe have to learn new skills and attitudes, often quite foreign to their upbringing. Besides the obvious dangers of the job, the constant tension spills into the guards’ home lives, changing how they relate to their families and friends. In a sense they, too, are imprisoned — a reality that is hard to shake once they leave work. High rates of substance and domestic abuse are well-known hazards of the profession.”

PBS Documentary, Prison Town, U.S.A.⁵⁰

POLICING: Accountability, federalization, and surveillance

Policing the police: The public supports police accountability

Recently, public support for police accountability has increased and more advocacy organizations have dedicated themselves to preventing the abuse of police power. A 2004 survey by the Program on International Policy Attitudes and Knowledge Networks found that Americans are very concerned about reports of police brutality in the United States.⁵¹ A 2002 survey of the public's opinion on police accountability and reform found that a substantial majority of whites, blacks, and Hispanics favored pro-active strategies to improve police accountability and oversight such as civilian review boards, video cameras in patrol cars to monitor officers' behavior, and an early intervention system to help identify officers who have received numerous citizen complaints.⁵²

Coordination and cooperation between grassroots and community police oversight groups is also on the rise. Copwatch groups and initiatives have sprung up across the country training citizen witnesses to document police behavior with cameras and recorders. In 2007, the 1st National Copwatch Conference brought together local copwatch groups to share skills and increase coordination and communication.⁵³ Organizations, including CopWatch LA, are increasingly organized, with chapters, members, and online databases. The majority of web-listed copwatch organizations are currently located on the West Coast, but smaller, informal community groups of cop watchers are growing throughout the country.

Copwatching helps empower communities to confront and push back against police power that is frequently coercive and abusive. But copwatching can also inflame tensions between community and police and might leave communities even more vulnerable to retaliatory abuse and to increased arrests and imprisonment. In order to prevent these

unintended consequences, copwatch programs should be carefully constructed to avoid a possible inadvertent expansion of the PIC.

“CopWatch is holding police accountable. It’s exercising your right to watch any police action or arrest. If anything comes up, you’re there.”

Gavin Leonard, Cincinnati CopWatch⁵⁴

The increasing federalization of the police and crime

At the local level, the growth in police forces has slowed considerably. The number of local police protection employees,⁵⁵ who represent more than three-quarters of all police protection employees, rose 11.2 percent between 1998 and 2005, compared to 15.9 percent between 1991 and 1998.⁵⁶ For full-time, sworn local law enforcement officers the downward trend is even more dramatic. Between 1998 and 2005, the number of local police increased 8.5 percent, compared to 18 percent between 1991 and 1998.⁵⁷ Similarly, the growth in expenditures on local law enforcement has also slowed. While expenditures on local police protections rose by 54.7 percent between 1991 and 1998, this growth rate fell to 49 percent between 1998 and 2005.⁵⁸

While the growth of local police forces has slowed considerably, federal policing has increased dramatically, up 57 percent in the past eight years. Although this increase can be linked to the increased attention focused on terrorism and immigration, another reason is the exponential increase in the number of federal crimes. In a recent op-ed, The Heritage Foundation, a conservative think tank, cited a study by a Louisiana State University professor that showed

“In the post-9/11 world, where terrorism is one of our most critical concerns, resources that were formerly provided through the Department of Justice will now be provided through the Department of Homeland Security.”

Chad Kolton, White House Office of Management and Budget spokesman⁵⁹

the addition of one new federal crime to the books every week for the past seven years. From 2000 to 2007, 454 new offenses were added to the federal crime code, coinciding with a 32 percent increase in the number of people imprisoned in federal prisons from 2000 to 2006—tripling the percentage increase in the number of people in state prisons during this time (10.6 percent increase).⁶⁰ According to the op-ed, “more and more law-abiding citizens are winding up in a federal net. Hundreds and

Federal Laws: Duplicative and Ridiculous

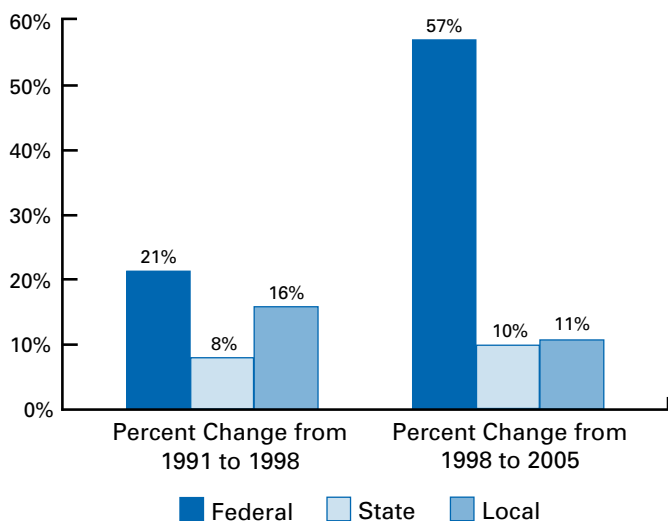
According to the CATO Institute, “Federal criminal statutes once focused principally on crimes affecting federal interests, but today most statutes proscribe conduct that is already covered by state criminal law.”⁶³ In addition to the federalization of state laws, which are numerous, there are a number of federal laws that are just plain ridiculous, including:

- Disrupting a rodeo⁶⁴
- Disruptive conduct by animal rights activists⁶⁵
- Unauthorized use of the image of “Smokey Bear” or “Woodsy Owl”⁶⁶
- Impersonating a 4-H Club member⁶⁷

“[Federal criminal law] also contains what some have called the crime du jour—legislation drafted in response to whatever crime is the focal point in the media—even if that offense is already defined and punished harshly and effectively under state law.”⁶²

hundreds of these new offenses criminalize conduct that no one but a government lawyer would imagine is criminal.⁶¹ Behaviors that used to be considered everyday occurrences are now being prosecuted in federal courts, leading to the imprisonment of more and more people.

The growth in number of local police protection employees was 5 percentage points less between 1998 and 2005 than it was between 1991 to 1998.



Note: Police protection employees include all employees of a particular law enforcement agency.

Source: Bureau of Justice Statistics, “Justice Expenditure and Employment Extracts,” Table 7, www.ojp.usdoj.gov/bjs/eande.htm#selected; Bureau of Justice Statistics, “Sourcebook of Criminal Justice Statistics,” Table 1.25.2003, 2003, www.albany.edu/sourcebook/pdf/t1252003.pdf.

Overall expenditures for policing continue to increase

The overall numbers of police in the United States and the amount of money dedicated to policing and law enforcement have grown substantially over the last several decades. Most recently, there has been a dramatic increase in the number of federal law enforcement staff and officers.

Despite a lack of evidence that increasing spending on police creates safe communities, federal expenditures on police protection have dramatically in-

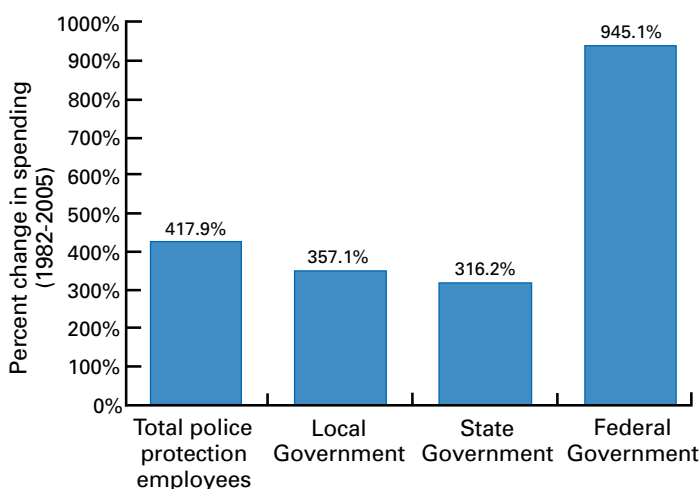
creased and Congress has recently reversed federal cuts in local law enforcement funding. Combined, expenditures on law enforcement have increased at the state, local, and federal level. Although local police still receive the majority of funding, increases at the federal level are the most dramatic. Between 1982 and 2005, federal expenditures on police protection have increased 945.1 percent, from \$2.15 billion in 1982 to \$22.5 billion in 2005.⁶⁸ This increase in spending on policing takes away from the wealth of positive investments in public safety that could better serve our communities.

Surveillance has increased from the borders to neighborhood streets

Law enforcement agencies have significantly increased their surveillance capacity and presence in certain areas. In 2000, 45 percent of local police departments regularly used video cameras.⁷² By 2003, 60 percent regularly operated video cameras, and an estimated 48,800 in-car cameras were in use.⁷³ Although there was only a 1 percent increase in the proportion of local police agencies using fixed-site surveillance between 2000 and 2003, the number of agencies and the sheer scope of surveillance has grown substantially in more recent years.

- In San Francisco, 178 cameras monitor public housing projects. Although almost one-quarter of the city's homicides occurs in or near these areas, the cameras have failed to help police arrest a single homicide suspect.⁷⁴
- In August 2006, Washington, D.C., began installing Closed Circuit Television (CCTV) cameras in neighborhoods to "deter and investigate criminal activity."⁷⁵ The number of cameras rose from 48 in March 2007 to 73 by October 2007.⁷⁶ In 2008, the District of Columbia proposes to link all cameras, including those used by schools and other city agencies, to the D.C. Homeland Security Agency surveillance system under the auspice of preventing terrorism, bringing the total number of cameras available for surveillance to approximately 5,000.⁷⁷
- An ordinance in Washington, D.C., requires the police department to consider public housing projects as potential locations for cameras.⁷⁸ The bulk of cameras are located in predominantly African American communities and in communities

All expenditures on police protection has increased more than 400 percent.



Note: These figures have not been adjusted for inflation.

Source: Bureau of Justice Statistics, "Justice Expenditure and Employment: Annually since 1982," <http://bjsdata.ojp.usdoj.gov/dataonline/Search/EandE/index.cfm>.

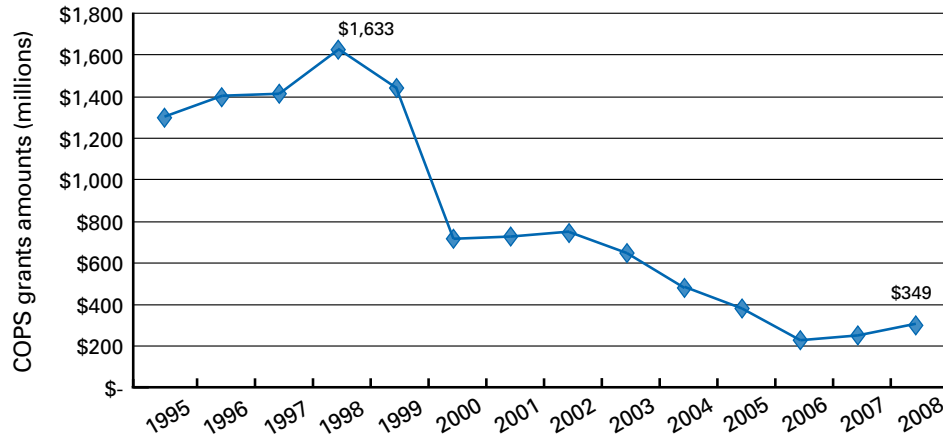
with lower income levels that are already targeted for increased police surveillance, leading to a high imprisonment rate in these areas.⁷⁹

Some of the greatest increases in surveillance occur in areas with a high concentration of poverty, such as public housing systems. These areas predominantly comprise communities of color that are already highly susceptible to police surveillance. The increasing surveillance in these areas can be linked directly to the increased imprisonment of people of color and the poor.

Numerous studies have demonstrated that CCTV cameras are relatively ineffective at preventing crime in city center and public housing settings.⁸⁰ Despite this fact, government entities invest significant resources in cameras. Video surveillance is a \$9.2 billion industry, and it is expected to grow to \$21 billion by 2010.⁸¹

- As part of the broader Lower Manhattan Security Initiative, New York City plans to have 3,000 cameras, both public and private, installed in lower Manhattan by the end of 2008.⁸² Despite already having 4,176 cameras monitoring public spaces below 14th Street in 2005, the city estimated that it would spend \$90 million on its surveillance expansion, including the \$10 million it received in

COPS grants have fallen dramatically since their peak in 1998.

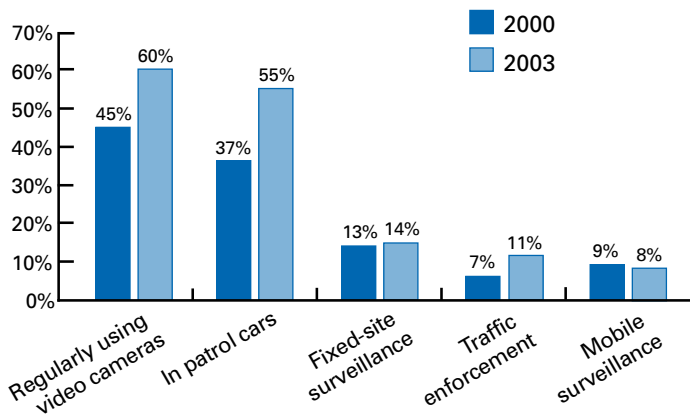


Source: Office of Community Oriented Policing Services, "Historical Breakdown of COPS Enacted Budget Authority."

Community Oriented Policing Services (COPS)

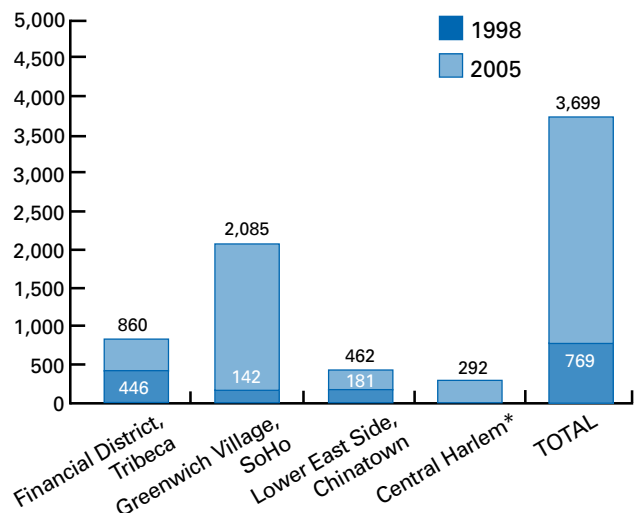
Congress enacted the COPS grant program in October 1993 in an attempt to reduce the rising violent crime rate by hiring around 100,000 new officers. However, before the COPS grants were even distributed, the number of reported crimes had already started to fall. From 1992 to 1993, the number of reported violent crimes decreased by .3 percent.⁶⁹ A study by the Heritage Foundation found that COPS grants were not responsible for the reduction in violent crime rates at the national level from 1994 to 2000.⁷⁰ In other words, the decline in violent crime during this period was unrelated to increased law enforcement resources. After eight years of declining COPS grants starting in 1999, the amount rose in both 2007 and 2008 to \$263.0 million and \$349.2 million, respectively.⁷¹ Given that these federal grants have done little to reduce crime, this increased funding represents a disturbing reversal.

In just three years, the number of police departments regularly using surveillance cameras has increased 15 percent.



Source: Bureau of Justice Statistics, "Local Police Departments 2000," Table 48, www.ojp.usdoj.gov/bjs/abstract/lpd00.htm; Bureau of Justice Statistics, "Local Police Departments 2003," Table 63, www.ojp.usdoj.gov/bjs/abstract/lpd03.htm.

The number of cameras in New York City has increased 381 percent between 1998 and 2005.



Source: Loren Siegel, Robert A. Perry, and Margaret Hunt Gram, *Who's Watching?: Video Camera Surveillance in New York City and the Need for Public Oversight* (New York City: New York Civil Liberties Union, 2006). www.nyclu.org/pdfs/surveillance_cams_report_121306.pdf.

Homeland Security grants.⁸³

- Phoenix, AZ, spent half a million dollars on a wireless network of mobile cameras in 2006.⁸⁴
- In 2005 Chicago received \$34 million in federal funds for its centrally operated network of more than 2,000 cameras and a \$2 million Homeland Security grant to purchase two helicopters outfitted for advanced surveillance operations.⁸⁵
- Baltimore, MD, spent \$2 million on a network of 90 surveillance cameras in 2005.⁸⁶
- Before Katrina struck New Orleans, the city spent \$6 million to add new cameras in 2005.⁸⁷

Specialized police forces multiply and target specific crimes and populations

Specialized law enforcement units and officers have increased dramatically over the past 10 years. The number of full-time law enforcement officers assigned to special police agencies, which include special geographic jurisdictions such as public schools as well as special enforcement responsibilities such as anti-gang initiatives, represent 6.7 percent of all full-time state and local officers.⁸⁸ In 2003, 85 percent of the estimated 360 police gang units around the country had been created within the previous ten years.⁸⁹ In 1999, about 50 percent of local law enforcement agencies with 100 or more sworn officers had a special gang unit.⁹⁰

In 2000, all 50 states had some type of specialized crime unit. Specialized crime units may include units that focus on drug education in schools (19 states), drunk drivers (17 states), cybercrime (17 states), missing children (17 states), gangs (9 states), youth outreach (3 states) or domestic violence (5 states).⁹¹

Police in schools

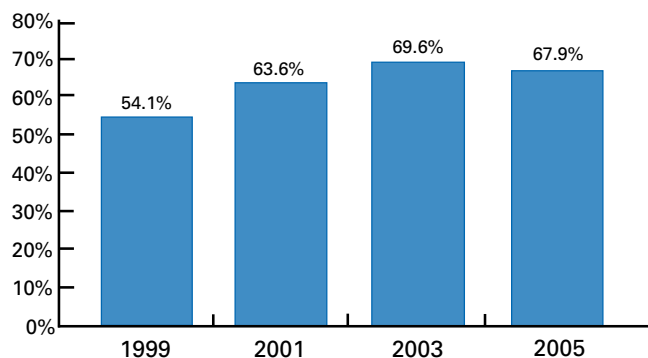
Police presence in schools has also grown dramatically. In 1999, 54.1 percent of students ages 12 to 18 reported the use of security guards and/or assigned police officers at school, compared to 67.9 percent in 2005.⁹² In 1998, the New York Police Department (NYPD) took over school safety, which resulted in a 50 percent increase in School Safety Agents (SSAs) between 1998 and 2006.⁹³ At least 200 NYPD officers assigned to NYC schools are armed.⁹⁴ The NYPD's School

Safety Division is larger than each of the entire law enforcement agencies in Washington, D.C., Detroit, and Boston.⁹⁵ If it were considered a separate law enforcement entity, it would be the tenth largest in the nation.

Instead of increasing the safety of schools, the blurred lines between schools and law enforcement agencies causes schools to rely on the police and courts as a substitute for sensible behavior management strategies.⁹⁶ In Fiscal Year 2006-2007, 16 percent of all referrals to the Florida Department of Juvenile Justice were school-related referrals, and two-thirds of these referrals were for misdemeanors, the most common being disorderly conduct and fighting.⁹⁷ States can address these issues by requiring that local education and juvenile justice stakeholders handle certain types of disciplinary infractions at the school level and by incorporating evidence-based practices into school discipline policies. Suspensions and expulsions, which may accompany arrests, disconnect students from school and undermining their ability to learn, graduate, and subsequently find employment.⁹⁸ Lower educational attainment, employment, and wages have been found to be associated with future incarceration as an adult.⁹⁹

Colleges and universities have experienced a similar

The percentage of youth ages 12 to 18 reporting security officers in their schools increased nearly 14 percent between 1999 and 2005.



Source: Rachel Dinkes, Emily Forrest Cataldi, Wendy Lin-Kelly, *Indicators of School Crime and Safety: 2007* (Washington, DC: National Center for Education Statistics, Institute of Education Sciences, U.S. Department of Education, and Bureau of Justice Statistics, Office of Justice Programs, U.S. Department of Justice, 2007). <http://nces.ed.gov/pubsearch/pubsinfo.asp?pubid=2008021>.

growth in law enforcement personnel. The percentage of campus law enforcement agencies using armed officers increased from 66.4 percent in 1994-1995 to 72.2 percent in 2004-2005.¹⁰⁰

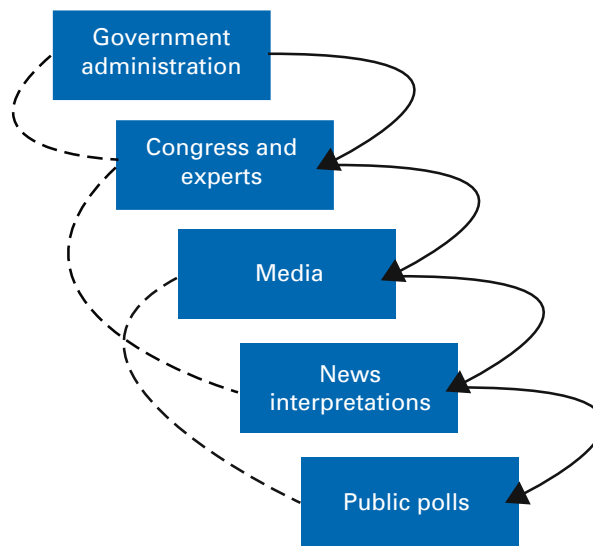
At the same time that local policing has slowed, the private security industry has grown in tandem with specialized government policing. National private employment in the investigation, guard, and armored car services industry increased by 47 percent between 1990 and 2007, from 450,700 to 662,100 employees.¹⁰¹

THE PRISON INDUSTRIAL COMPLEX IN ACTION: An analysis of the criminalization of drug use, poverty, mental illness, and immigration

In the United States, a complex interplay of factors including racial and class bias, media hype, and politics constructs crime and punishment. Seeking to understand the collision of forces that created the United States' response to September 11, a professor at the George Washington University developed a graphic to show how the government, media, and the public create a feedback cycle that reinforces and perpetuates ideas that come out of each social entity. The media, in many ways, is the nexus between government and the public, delivering messages in both directions, from both parties, through its own lenses, mixed in with interpretations of social and world events. Researchers have long agreed that the public relies on the media, a cheap and widely accessible resource, to highlight and summarize important messages.¹⁰² As a result, media coverage of a specific event or issue can create a sense of panic that can escalate the intensity of the cycle, driving knee-jerk, punitive responses, rather than well-researched, long-term, positive solutions to perceived social problems.

Such a cycle also describes the panic that has been created in the past concerning certain behaviors that are deemed socially inappropriate. For example, the immediate response to a behavior such as drug use is first to criminalize the behavior by passing laws and policies and then to begin imprisoning people. The desire to fix perceived social problems with a criminal justice response is well illustrated by the war on drugs, the criminalization of homelessness and poverty, responses to people living with mental health disorders, and in recent years, the panic concerning immigration and terrorism. The ironic result of using prison to solve a perceived social problem is the perpetuation and exacerbation of the perceived problem. By putting millions of people in prison and fueling the prison industrial complex, the United States effectively destroys lives by creating immovable barriers to education, employment, housing, and other resources that make it almost impossible to participate in society in a way that is deemed "socially acceptable."

Government agencies, the media, and public opinion constantly reinforce each other, creating fear and punitive reactions to perceived problems.



Source: Robert M. Entman, "Contesting the White House's Frame After 9/11," *Political Communication* 20, no. 4.

Just as the combined forces of the media, public opinion, and politics fuel imprisonment, these same factors can be harnessed to dismantle the prison industrial complex and create public and political support for lasting, positive, effective changes to crime policy.

The war on drugs

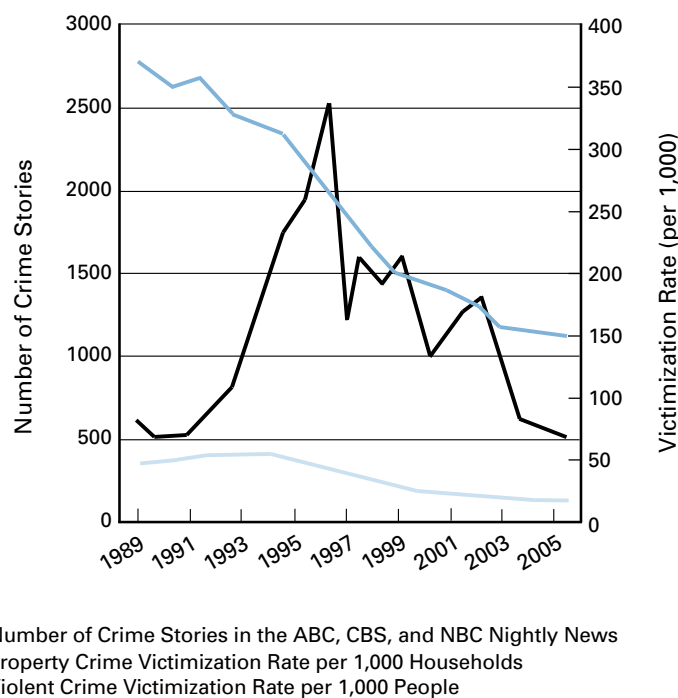
The evolution of the war on drugs exemplifies the social construction of crime and the criminalization of behaviors deemed socially unacceptable. Using controlled substances in and of itself does not harm others; however, laws were passed to criminalize that behavior and to imprison people for using, selling, or possessing drugs. Media outlets document

The media distorts the true picture of public safety in communities

The media, driven by the mantra of “if it bleeds, it leads” ensures that crime stories retain top billing in both local and national media. A study of news in 56 cities in the late 1990s showed that one-third of all broadcast news was about crime.¹⁰³ Another study found that in Los Angeles between 1996 and 1997, 83 percent of the crime stories aired focused on violent crimes.¹⁰⁴ However, these stories do not reflect the reality of crime in our communities.

As would be expected, in 1994 when the violent crime rate was at its peak, there were more than 2,500 media crime stories. But as the violent crime rate continued to fall, the number of crime stories continued to fluctuate for the next 10 years, regardless of trends in violent or property offenses. The fluctuation in crime coverage is not correlated to actual decreases or increases in crime rates, according to the National Crime Victimization Survey (NCVS). Comparing the number of media crime stories to two different crime statistics from the Department of Justice shows that media crime reports do not accurately reflect crime rates.

Fluctuations in media coverage do not represent actual crime trends.



*The 2005 figure for number of crime stories in the graph titled “Fluctuations in Media Coverage Do Not Represent Actual Crime Trends” is actually the 2006 number, as the 2005 number was not given in the data.

Sources: The Center for Media and Public Affairs, “Year in Review,” 1989-2006, www.cmpa.com/media_monitor.html; Bureau of Justice Statistics, “National Crime Victimization Survey Violent Crime Trends, 1973-2005,” www.ojp.usdoj.gov/bjs/glance/tables/viortrdtab.htm; Bureau of Justice Statistics, “National Crime Victimization Survey Property Crime Trends, 1973-2005,” www.ojp.usdoj.gov/bjs/glance/tables/proprtrdtab.htm.

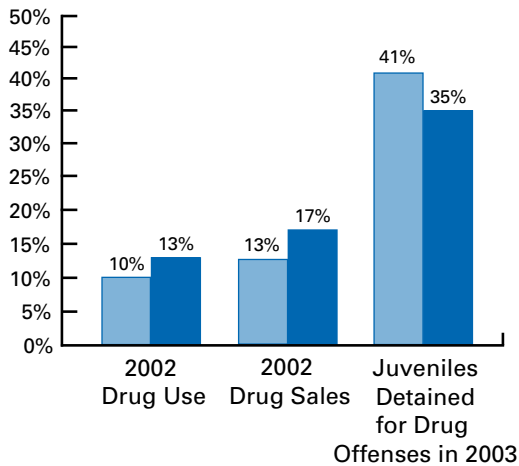
and exacerbate public and political concerns about drugs. Public opinion polls reflect those feelings and may be reported in the media to public officials who make the laws. The media also help validate actions taken to eradicate drugs by law enforcement and the prison industrial complex by continually broadcasting the message that drugs and people who are involved with drugs should be feared.

The disproportionate impact of the war on drugs on communities of color, particularly African-American communities, is undeniable. Whites and African Americans engage in drug behaviors at similar rates, but increasing evidence indicates that the criminal justice system treats African Americans much differently, as African Americans are far more likely to be imprisoned for a drug offense.

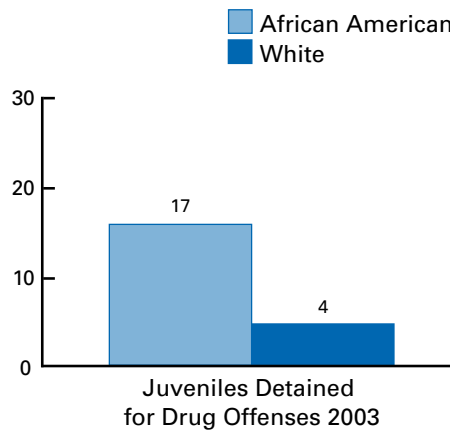
- The Substance Abuse and Mental Health Services Administration’s (SAMHSA) National Survey on Drug Use and Health (NSDUH) found that in 2002, 8.5 percent of whites were current users of illicit drugs, compared to 9.7 percent of African Americans.¹⁰⁵ However, a recent report by the Justice Policy Institute determined that African Americans are admitted to prison for drug offenses at 10 times the rate of whites.¹⁰⁶
- In 2002, approximately 14 million white Americans had used drugs in the previous month, compared to about 2.6 million African Americans who had done so.¹⁰⁷ As of 2004, nearly twice as many African Americans (112,737) as whites (65,919) were imprisoned for drug offenses in state prisons in the U.S.¹⁰⁸

Though African American and white youth use and sell drugs at similar rates, African Americans are committed for drug offenses at five times the rate of whites.

Percentage of reported youth drug use, drug sales, and youth detained for drug offenses by race



Juveniles detained for drug offenses in 2003

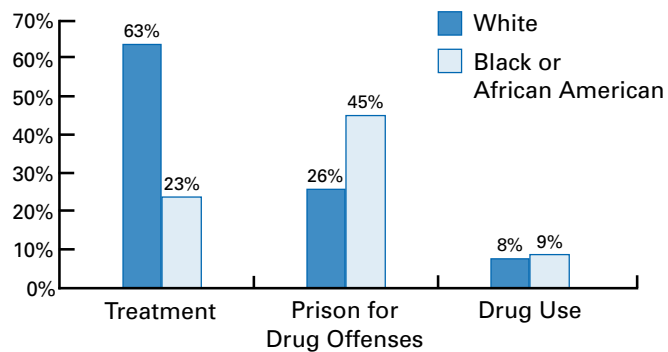


Sources: Substance Abuse and Mental Health Services Administration, Results from the 2002 National Survey on Drug Use and Health: Detailed Tables. Prevalence Estimates, Standard Errors, and Sample Sizes, 2005; Melissa Sickmund, T. J. Sladky, and Wei Kang, "Census of Juveniles in Residential Placement Databook," (2005). Note: This is data for 12- to 17-year-olds.

- SAMHSA reported that in 2002, 24 percent of crack cocaine users were African American and 72 percent were white or Hispanic, yet more than 80 percent of people sentenced for crack cocaine offenses were African American.¹⁰⁹
- According to the 2002 National Longitudinal Survey of Youth, white youth (17 percent) are more likely than African Americans (13 percent) to report selling drugs. However, in 2003 African American youth were arrested for "drug abuse" violation at nearly twice the rate of white youth.¹¹⁰

Despite advances in availability of treatment, there is still a disproportionate allocation of resources and availability of treatment for communities of color, and more money is still funneled to the PIC at the expense of treatment.¹¹¹ The federal Office of National Drug Control Policy (ONDCP) spent \$13.6 billion in FY2008; nearly two-thirds of this money went to decreasing the supply of drugs through law enforcement and interdiction, with less than \$5 billion going to treatment and prevention. Communities of color are less likely to have access to treatment options in the community and more likely to bear the brunt of the law enforcement side of the drug

The percent of white people admitted to treatment is double the percent of white people in prison for drug offenses; the opposite is true for African Americans.



Note: Treatment includes all admissions for all substances. Drug use includes people in the population 12 years of age and older.

Sources: **Treatment** - Office of Applied Studies, Substance Abuse and Mental Health Services Administration, Treatment Episode Data Set (TEDS). Based on administrative data reported by states to TEDS through January 11, 2008. **Prison** - William J. Sabol, Heather Couture, and Paige M. Harrison, *Prisoners in 2006* (Washington, D.C.: Bureau of Justice Statistics, 2007), www.ojp.usdoj.gov/bjs/abstract/p06.htm; **Drug Use** - Substance Abuse and Mental Health Services Administration, *Results from the 2004 National Survey on Drug Use and Health: National Findings* (Rockville, MD: Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, 2005), <http://oas.samhsa.gov/nsduh/2k4nsduh/2k4results/2k4results.pdf>.

war. The proportion of white people admitted to substance abuse treatment in 2004 is more than double that of white people imprisoned for drug offenses; the opposite is true for African Americans, however.¹¹² These differences persist despite evidence that whites and African Americans use drugs at similar rates. It seems to be no accident that the same people who have limited access to treatment are the same people who are routinely and disproportionately imprisoned.

The media coverage of the crack “epidemic” of the 1990s propelled into the national consciousness the idea that people addicted to crack were responsible for the increase in crime. The news exacerbated the myth that there was no “cure” for this addiction or behavior and that people who use crack were hyper-violent. These sensationalized stories helped prompt the public outcry that led to the mandatory minimums and other punitive measures during that decade toward people who abuse drugs.

Despite media sensationalism and continued political calls for “tough on crime policies,” the public is increasingly realizing that the best way to treat people with addictions is to provide appropriate treatment in the community, not through the criminal justice system.

- A Gallup poll found in 2000 that 83 percent of people thought the “problem of drugs” in the United States was extremely serious, compared to 73 percent who thought that in 2007. Community attitudes towards the “problem of drugs” are much the same, with 34 percent in 2000 saying the “problem of drugs” in the area in which they live was extremely serious versus 29 percent in 2007.¹¹³
- A 2002 survey by Peter D. Hart Research Associates found that the public prefers by two to one treatment for people convicted of nonviolent drug offenses over prison.¹¹⁴
- The same 2002 Hart poll found that nationwide, 76 percent of people favor a proposal requiring supervised mandatory drug treatment and community service rather than prison time for people convicted of drug possession.¹¹⁵

Militarization of police is largely driven by the drug war

Rationalized by the media and fueled by government decisions to be “tough on crime” and continue to fight

“Attempting to control the crime problem by conducting tens of thousands of paramilitary style raids on private residences is strong evidence that the U.S. police, and the ‘war on crime’ in general, have moved significantly down the militarization continuum.”

—Dr. Peter B. Kraska, Professor of Criminal Justice, Eastern Kentucky University¹¹⁶

the war on drugs, police forces have been increasingly militarized. Police paramilitary units (PPUs), also referred to as SWAT teams, have been growing in both small and large communities across the United States. In 1982, about 55 percent of police agencies serving communities with 50,000 people or more had some sort of PPU.¹¹⁷ By the end of 1995, about 90 percent of these agencies had a SWAT team and 65 percent of smaller agencies serving communities with 25,000 to 50,000 people had one. Between 1985 and 1995, there was a 157 percent increase in SWAT teams in agencies serving these smaller communities, and currently 80 percent of small-town agencies have a SWAT team.¹¹⁸

In the past 20 years, there has been a 1,400 percent increase in the total number of SWAT team deployments.¹¹⁹ Today, there are more than 45,000 SWAT team deployments annually, compared to about 3,000 in the 1980s. This increase is largely driven by the increased use of SWAT to perform traditional police work, including proactive drug raids and routine patrol work in crime “hot spots,” because most communities do not have a constant need for a SWAT team. More than 80 percent of these deployments were for drug raids, specifically “no-knock” entries into private residences looking for contraband such as drugs, guns, and money. The media have increasingly publicized failed raids that have negative and even deadly outcomes.¹²⁰ Botched SWAT raids have become so common that the Cato Institute, a Libertarian public policy research organization, has started a website that tracks failed SWAT team raids (www.cato.org/raidmap/).

SWAT teams suck up resources and are a tremendous financial burden on local police departments, especially in smaller agencies. Start-up costs for these teams can run as high as \$150,000 to \$200,000. Ac-

According to Criminal Justice Professor Peter B. Kraska, who has written extensively on the militarization of policing, “a 15-officer SWAT team in a department of 30-50 officers can have a profound and potentially negative impact on the organizational culture, one that emphasizes militaristic as opposed to democratic values.”¹²¹ Since the rise of the community policing agendas, police have been focusing on a more democratic enforcement, but SWAT teams challenge this ideal by imposing military-style enforcement on communities and within police agencies.

“While [Baltimore] is resisting ‘not-in-my-backyard’ interests with respect to the temporary shelter...city leaders may also be contemplating a crackdown on begging, including anti-panhandling zones and other measures that would criminalize the same population that is in such critical need of our protection. Let’s put people in housing, not jails.”

Antonia Fasinelli,
Letter to the Editor, *Baltimore Sun*.¹²⁷

Criminalizing poverty and homelessness

People of color are disproportionately affected by poverty and, as discussed in a previous section, are also the most likely to be imprisoned.

- According to the Bureau of Justice Statistics, almost one-third of people held in jails in 2002 were unemployed at the time of arrest. Slightly fewer than half of people held in jail in 2002 were not employed full time.¹²⁸
- Statistics from the Bureau of Justice Statistics reveal that 83.5 percent of people in jail in 2002 earned less than \$2,000 per month prior to arrest.¹²⁹
- African Americans made up about 13 percent of the general population but approximately 22 percent of the people living in poverty and 40 percent of people in prisons and jails in 2006.¹³⁰

Botched Police Raids: The Negative Impacts of Militarization on Civilians

Kathryn Johnston, 92

On November 22, 2006, an eight-member narcotics team of police officers raided 92-year-old Kathryn Johnston’s Atlanta home with a warrant claiming that there were drugs being sold out of her house. Assuming the police were intruders, Ms. Johnston opened fire on the police, injuring three police officers. The police in turn fired 39 shots, killing Ms. Johnston in her home.¹²²

Earlier that day, police had allegedly bought drugs from a man in Ms. Johnson’s home, but the police did not find any drugs in her home. The three police officers involved were indicted by a grand jury on counts of felony murder, aggravated assault with a weapon, false statements, and burglary.¹²³ One officer was found guilty of providing false statements and planting drugs in Johnston’s home to cover up the botched raid. Two other officers pled guilty to manslaughter federal conspiracy charges in relation to the incident.¹²⁴

Alberta Spruill, 57

On May 16, 2003, Alberta Spruill suffered a fatal heart attack during a police raid in which officers broke down her door, set off a flash grenade, and placed her in handcuffs. A police informant wrongly identified her apartment as one used by an armed drug dealer to stash cocaine and heroin. A report by the New York Police Department showed that police had not conducted surveillance on the house and that the alleged drug dealer had been arrested four days prior to the raid.¹²⁵ Ms. Spruill had a heart condition and died within an hour of the raid on the way to a hospital.

Rev. Accelyne Williams, 75

On March 25, 1994, a 13-member SWAT team wearing black masks burst into the Boston home of retired minister Rev. Williams and his wife Mary. Rev. Williams was chased to his bedroom and handcuffed, where he suffered a fatal heart attack. Police had a warrant for the apartment, but the informant used to achieve the warrant gave them the wrong address. Police found no drugs or weapons in the apartment. According to one police source, “Everything was done right, except it was the wrong apartment.”¹²⁶

- In a 1973 study, Terence Thornberry, respected juvenile justice researcher, found that youth of lower socioeconomic status received harsher penalties in all phases of the juvenile justice system regardless of seriousness of offense.¹³¹

The media’s connection between poverty and crime bolsters the assumption that people with fewer re-

sources commit more crime. People living in poverty are not as blatantly demonized by the media as people immigrating to the U.S. or people who use drugs. Instead, the messages are more subtle and possibly, as a result, more pervasive and more damaging.

Robert Entman, an expert on the link between media, policy, and public opinion, described the portrayal of poverty in television media as relying on stereotypical assumptions about poverty and the symptoms of poverty (crime, drug use, mental illness) by linking those symptoms to visual cues and language (“abandoned house” or “drug-infested”). The words “poverty” or “poor” are rarely used and the description of poverty as the “sheer lack of income and wealth” is also not discussed. Entman found that out of the 239 news stories that mentioned symptoms of poverty, approximately 39 percent (147 stories) showed crime, drugs, and gangs as a manifestation of poverty.¹³²

While everyday media stories might convey subtle linkages of crime to the symptoms of poverty through visual cues, a 1982 article published by James Q. Wilson and George L. Kelling in *Atlantic Monthly* explicitly links activities such as panhandling to crime, saying that such “untended behavior leads to the breakdown of community controls” and eventually serious crime.¹³³ Even though a subsequent book about the theory would encourage fixing broken windows and cleaning up graffiti as a way to improve neighborhoods and public safety, the authors of the original article argue most strongly that arrests should be made even for crimes that “harm no one.”

In the 1990s, the New York City Police Department, under the direction of then-Police Commissioner William Bratton and former mayor Rudy Giuliani, interpreted “broken windows” theories by implementing “zero tolerance” policies that banned panhandling, people who squeegee car windows, graffiti, and other neighborhood characteristics or behaviors that are often assumed to be symptoms of poverty. At their outset, these policies were highly praised for their ability to “clean up the streets” and lower crime rates.¹³⁴ However, more arrests could have easily contributed to higher jail and prison populations, particularly for people living in poverty.

People who are homeless are perhaps the most likely to bear the burden of “zero tolerance” in cities. Most states have implemented laws specifically directed toward the punishment of the homeless population,

and this can result in more people being admitted to jails. The National Coalition for the Homeless and the National Law Center on Homelessness & Poverty issued a report in 2006 that surveyed 224 cities around the country on their laws involving the criminalization of homelessness.¹³⁵ This report found that city ordinances frequently serve as a prominent tool to criminalize homelessness through “quality of life” crimes and that these laws are increasing.

- 28 percent of cities surveyed prohibit “camping” in particular public places in the city and 16 percent have citywide prohibitions on “camping”
- 27 percent prohibit sitting/lying in certain public places
- 39 percent prohibit loitering in particular public areas and 16 percent prohibit loitering citywide
- 43 percent prohibit begging in particular public places; 45 percent prohibit “aggressive panhandling” and 21 percent have citywide prohibitions on begging

The subtle nature of messages that the public receives about the link between poverty and crime may contribute to public opinion poll results that show that few residents of the U.S. (6 percent in 1981) believe that poverty causes crime.¹³⁶ However, there is evidence that poverty generally, and people who are poor specifically, are viewed very differently by the public. Researchers have found that the public is more likely to view a single individual living in poverty as being weak of character and being poor as a result of personal failure, but have a more sympathetic view of poverty generally.¹³⁷ In other words, even though an opinion poll might find that the public does not believe poverty causes crime, the public may believe that individuals who are poor cause crime.

Imprisoning people for being homeless or living in poverty is a failed policy on a number of levels. Perhaps most fundamentally, the practice serves to reinforce poverty and homelessness. Imprisoning a person cuts that person off from employment opportunities, community treatment options, family, community, and other support systems. The likelihood that an employer will not hire someone who has been convicted of a crime is high.¹³⁸ Thus, imprisoning an individual for not conforming to society’s expectations concerning employment and material success virtually guarantees a return to poverty and a life on the street. This continued cycle ensures perpetuation of the prison industrial complex.

“The systemic failure of Georgia’s community mental health system is overcrowding state prisons and county jails, creating a new form of institutional care for the chronically mentally ill because they can’t get help anywhere else. Failure to upgrade mental health care means those same prisons will keep filling up with people whose only major crime is being mentally ill.”

*Atlanta Journal-Constitution*¹³⁹

Immigration and the perceived threat of terrorism

Since September 11, 2001, public, media, and political concerns about immigration have been twofold. The first concern is about the potential threat of terrorism that newcomers to the U.S., particularly from the Middle East, might bring. The second concern is about Latino immigrants crossing the border from Mexico, often looking for work and economic stability. The increased public, political, and media concern with immigration has coincided with a national decrease in crime, a slowing in the growth of the prison system, and a decrease in the profits of companies like the Corrections Corporation of America. It might stand to reason that an economic incentive exists to criminalize another socially unacceptable behavior: immigration.

The increase in Border Patrol agents, surveillance, and the numbers of people held by Immigration and Customs Enforcement (ICE) is the most easily quantifiable evidence of punitive reactions to immigration. Enforcement of the border and immigration laws has become more strict and sophisticated. Congressional concern about illegal immigration and the United States Border Patrol’s (USBP) adoption of a “Prevention Through Deterrence” strategy in 1994 led to a sevenfold increase in the Border Enforcement budget between 1980 and 1995 and a threefold increase between 1995 and 2003.¹⁴⁷ The number of USBP agents nearly tripled to 11,268 between 1990 and 2005. In FY 2006 alone, 1,500 more agents were added.¹⁴⁸ Between FY 2000 and FY 2006, the USBP budget increased 64 percent to \$1.74 billion.

Criminalizing Mental Illness

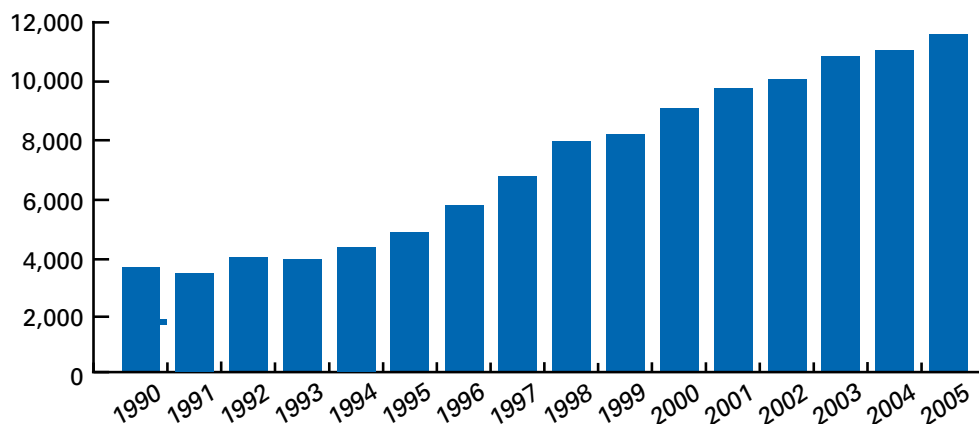
In 2000, the Bureau of Justice Statistics found that 16 percent of all people imprisoned in jails and prisons in the country—more than 300,000 people—live with serious mental illnesses.¹⁴⁰ Research suggests that mental illness is even more prevalent in juvenile justice systems, with an estimated one in five youth in juvenile justice facilities diagnosed with a serious mental illness.¹⁴¹

A lack of adequate treatment sweeps people with mental illness into the criminal justice system. In the past, people living with mental illness would have been able to rely on state hospital beds. Fifty years ago, people suffering from mental illness in the U.S. had almost 600,000 state hospital beds available to them. Due to federal and state funding cuts, that number has fallen to 40,000.¹⁴² While these hospital beds were supposed to be replaced by 2,000 community mental health centers, only 700 have been created and many are severely underfunded.¹⁴³ As a result, many people with mental illness have limited options for treatment and end up in the criminal justice system, where they may receive little treatment and where their symptoms often get worse.¹⁴⁴

Critical of the practice of imprisoning people living with mental illness, lawmakers are beginning to actively implement policies that help people living with mental illness. We have not seen the impacts of these policies yet, but the direction of these new programs is promising.

- National: On October 30, 2004, Congress passed the Mentally Ill Offender Treatment and Crime Reduction Act, which provides increased access to mental health resources for adults and youth both while they are imprisoned and upon re-entry.¹⁴⁵
- In 2006, Congress allotted \$5 million for the Justice and Mental Health Collaboration Grant Program (JMHCP), with an additional \$5 million included in the FY 2007 budget. The JMHCP program supports early intervention for people living with mental illnesses in the criminal justice system, provides additional funding for current mental health courts, and encourages training for those working in the criminal justice system on the subject of mental illness.
- California: The California Department of Corrections and Rehabilitation has a Mentally Ill Offender Crime Reduction (MIOCR) program which provides grants to facilitate successful re-entry by investing in community-based mental health support services. California proposed including an additional \$50 million for the MIOCR program in the budget for FY 2007-2008.¹⁴⁶

The number of U.S. border police has skyrocketed in the last decade.



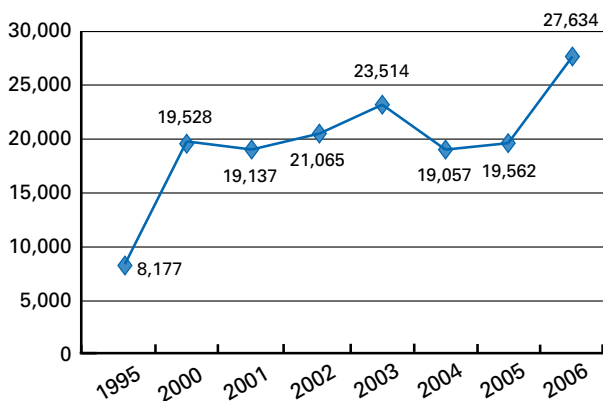
Source: Blas Nuñez-Neto, *Border Security: The Role of the U.S. Border Patrol* (Washington, DC: Congressional Research Service, 2006). <http://digital.library.unt.edu/govdocs/crs/permalink/meta-crs-8464:1>.

The massive increase in enforcement of the border and immigration laws shows no sign of slowing. There are now five Border Enforcement Security Task Forces in place along the U.S.-Mexico border that “identify and prioritize emerging and existing threats to border security,” and the FY 2008 budget allocates \$10.7 million to add six additional task forces.¹⁴⁹ The budget also allocates \$32.8 million to increase the number of Fugitive Operations Teams, which locate and apprehend illegal immigrants, from 75 to 104 and \$26.4 million to increase the number

of state and local law enforcement agencies equipped to enforce federal immigration laws.¹⁵⁰

Although 70 states, counties, and cities have statutes or ordinances that limit the authority of officers to enforce federal immigration laws, Immigration and Customs Enforcement (ICE) has trained 41 law enforcement agencies on how to locate and turn over illegal immigrants, and 92 are currently awaiting training.¹⁵¹ Agencies such as the Eagle Pass Police Department in Texas have also capitalized on the assistance of the National Institute of Justice to build highly sophisticated camera systems to monitor the border.¹⁵²

The number of people held in ICE custody has increased 237 percent between 1995 and 2006.



Source: William J. Sabol, Heather Couture, and Paige M. Harrison, *Prisoners in 2006* (Washington, DC: Bureau of Justice Statistics, 2007); Ann L. Pastore and Kathleen Maguire, eds. *Sourcebook of Criminal Justice Statistics Online*, Table 6.61.2005, www.albany.edu/sourcebook/pdf/t6612005.pdf.

The increase in the number of people held by U.S. Immigration and Customs Enforcement (ICE) is the most easily quantifiable indicator of a desire to punish immigration with imprisonment. Since 1995, the number of people held by ICE has increased more than 200 percent. Although ICE is a federal agency, it relies primarily on state prisons and county jails to hold the people it detains. In 2006, local jails held 45 percent of the people under ICE custody, more than any other type of facility including federal and dedicated ICE facilities.¹⁵³ The number of people held in ICE custody in local jails has increased 44 percent since 2001.¹⁵⁴

The increase in border enforcement, surveillance, and detention has done little to reduce illegal immigration. A 2002 report by the Public Policy Institute of California found that the border enforcement build-up has not led to a substantial reduction in illegal immigration. Instead, economic conditions such as unemploy-

ment rates in both Mexico and the United States had a stronger effect on the probability of migration.¹⁵⁵ Although the border enforcement strategy has increased the likelihood of apprehension and increased the cost of crossing the U.S.-Mexico border, the number of people immigrating illegally has increased substantially since the late 1990s, and current estimates of the number of unauthorized residents range from about 7 million up to 20 million or more.¹⁵⁶

Fueling the increase in border policing and surveillance is combined media attention and public fear about terrorism and immigrants. Immediately after September 11, 2001, the public focus on immigration was closely tied to terrorism, but seven years later, concerns about immigration are informed by the economy, crime, and specifically, people immigrating from Central and South America. The last few years have been rife with controversy surrounding immigration policies and the growing undocumented immigrant populations.

Just after September 11, the media would frequently link immigration to terrorism. Coverage of news in other countries, both before and after September 11 changed dramatically. Prior to September 11, the nightly news comprised 24 percent foreign coverage; after September 11, foreign news was 34 percent of all stories. The 34 percent was calculated after excluding news about the aftermath of the attacks, rescue and recovery efforts, and issues of homeland security.¹⁵⁷ Terrorism accounted for 60 percent of all news during the last 111 days of 2001 and for one out of every six stories in 2002.¹⁵⁸

Anti-immigrant commentary on news talk shows and in editorials has proliferated in the media more recently. The Media Matters Action Network recently released a report analyzing cable news coverage of immigration. The report documents and analyzes commentary from three cable news hosts—Lou Dobbs, Bill O'Reilly, and Glenn Beck—and found that in 2007, 94 episodes of *Lou Dobbs Tonight*, 66 episodes of *The O'Reilly Factor*, and 29 episodes of *Glenn Beck* centered on the supposed link between immigration and crime. If a viewer were to turn on any of these shows every night for a year, at least half of the individual shows would be dedicated to the link between immigration and crime.¹⁵⁹ On a weekday night, more than 3.5 million people in the United States watch on any given day.¹⁶⁰ The shows include these quotes:

- **Glenn Beck, September 4, 2007:** “Every undocumented worker is an illegal immigrant, a criminal, and a drain on our dwindling resources.”

- **The O'Reilly Factor, January 15, 2007:** “Number one, the illegal aliens shouldn't be here. And number two, the culture from which they come is a lot more violent than the USA.”¹⁶¹

Media outlets continue to feed into the notion that illegal immigration is a crime that should be punishable by prison and not a set of laws and polices recently developed to target a behavior that is deemed socially unacceptable.

- **Associated Press, Utah:** “Council member Larry Meyers, a St. George resident who has been a prosecutor for eight years, said he would not say illegal immigrants commit more crime than citizens, but there would be less crime if illegal immigrants were not here. ‘This has nothing to do with race or national origin,’ Meyers said. ‘It has to do with people being here illegally.’¹⁶²
- **USA Today:** “As the Senate considers illegal immigration reform legislation, my office has been inundated with phone calls from constituents asking, ‘What part of “illegal” don't senators understand?’”¹⁶³

Amidst increased coverage of terrorism, evidence of increased racial profiling of people of Middle Eastern and South Asian descent surfaced in reports and public opinion polls.

- A 2004 Amnesty International Report found that racial profiling of people of Middle Eastern and South Asian descent has substantially increased since September 11, 2001. The same report also found that many law-enforcement officials continue to rely on racial profiling with the expectation of preventing more attacks, despite evidence that this tactic is ineffective.¹⁶⁴
- A 2002 Hart Poll found that 55 percent of 18- to 30-year-olds believe that the United States should place a higher priority on making sure certain ethnic groups are not scheming to commit additional attacks, while only 19 percent think the higher priority should be making sure these ethnic groups are not discriminated against.¹⁶⁵

Public opinion polls document public fear about Latino immigrants coming to the United States not to commit a terrorist act but to take jobs from U.S. citizens, use services typically guaranteed to U.S. residents, and commit crimes. A 2006 Gallup Poll found that 48 percent of U.S. residents surveyed thought that there were too many immigrants coming to the U.S. from Latin American countries, compared to 19 per-

“The post-9/11 increase in profiling people who are of Arab, Muslim, South Asian, or Middle Eastern descent will not make us safer.”

Honorable Timothy K. Lewis,
Former Judge for the United States Court of Appeals for the Third Circuit¹⁶⁶

cent for African countries, 20 percent from European countries, and 39 percent from Arab countries.¹⁶⁷ In 2002, U.S. residents were most likely to say there were too many Arab immigrants, but with a sharp 15-point decline in that sentiment, the public is now most likely to believe there are too many Latin American immigrants: Since 2002, all of these percentages have fallen, except for Latin American immigrants, where the percentage of U.S. residents surveyed went from 46 percent saying too many to 48 percent.

Some opponents of immigration argue that the rising number of people immigrating to the U.S. will be responsible for rising crime rates in the future. However, from 1990 to 2000, the number of illegal immigrants in the U.S. went from 19.8 million to 31.1 million while we experienced one of the largest crime drops in history.¹⁶⁸ A 2005 Government Accountability Office (GAO) report examined 55,322 illegal immigrants imprisoned in federal and state prisons and local jails across the country in 2003.¹⁶⁹ It found that 21 percent of all arrests were immigration offenses and 24 percent were drug offenses. Homicides and robberies were 1 and 2 percent, respectively. In other words, threats of

“More and more states are beginning to rethink their reliance on prisons for lower-level offenders and finding strategies that are tough on crime without being so tough on taxpayers.”

Adam Gelb,
Director of the Public Safety Performance Project,
Pew Charitable Trusts¹⁷⁰

violence proliferated by the media of people immigrating to the U.S. appear to be unfounded.

Overall, the amount of media attention and fear concerning people immigrating to the United States is not proportional to either the number of people coming into the country or to the reality of the perceived threat.

Reducing reliance on the criminal justice system?: Media, public opinion, and political agendas are beginning to shift toward addressing social problems outside the criminal justice system

The combined forces of media, public opinion, political sentiment, and policies are beginning to provide the foundation for policies that do reflect a more planned, long-term strategy for improving public safety, while keeping people out of prison. Changes to public, media, and political sentiment regarding incarceration are a first step in shifting the tide away from the current tendency to imprison and toward positive investments in communities.

State and national polls show that public opinion has swayed toward the approval of treatment and away from the desire to fund more prisons.

- A poll commissioned by the MacArthur Foundation found that the public prefers rehabilitation over punishment as a response to serious juvenile crime, and is willing to pay for it. Respondents indicated that they are more unwilling to pay for additional incarceration (39 percent) than are unwilling to pay for added rehabilitation (29 percent).¹⁷¹
- In 2001, the California Field Poll found that 34 percent of the California public wished to reduce spending on prisons. The same poll revealed that the majority of people did not want to increase spending on prisons.¹⁷²
- A 2006 Zogby poll found that by an almost 8 to 1 margin (87 percent to 11 percent) the public is in favor of rehabilitative services for people in prison as opposed to a punishment-only system, and 70 percent favored services both during incarceration and after release from prison. More than 90 percent of those polled felt that job training, drug treatment, mental health services, family support, mentoring, and housing were important services that should be offered to prisoners.¹⁷³

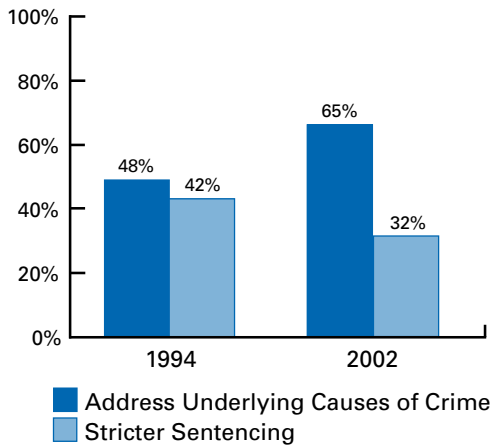
Over the past 10 years the public's desire to fund more prisons and punish severely has evolved significantly to adopt the opinion that we need to get to the root of the problem and develop strategies at the front end.

- A 2006 Gallup Poll found that, since 1989, the American public has preferred to spend money on “attacking social problems” than on law enforcement, prisons, and judges to lower the crime rate.

The most recent polls reveal that about two-thirds (65 percent) of the public prefers this approach to lowering the crime rate.¹⁷⁴

- In a 1994 Hart Poll, 48 percent of respondents favored addressing the underlying causes of crime and 42 percent preferred focusing on deterrence through stricter sentencing. Currently, 65 percent of respondents favor dealing with the root causes of crime whereas only 32 percent prefer the more punitive approach.¹⁷⁵

The percentage of people who wish to address the underlying causes of crime has increased 17 percent since 1994.



Source: Peter D. Hart Research Associates, *Changing Public Attitudes toward the Criminal Justice System, Summary of Findings* (The Open Society Institute, 2002).



PREVENTION: We know what works to strengthen communities

One of the biggest advances in the criminal justice and juvenile justice fields over the past decade is the advancement of proven practices that build on the strengths of individuals, families, and communities. Researchers have shown that substance abuse treatment, mental health treatment, education, employment, and evidence-based prevention programs work best to increase public safety.¹⁷⁶ Fostering safe communities requires diverse investments along the spectrum of human needs including housing, mental health services, education, and employment. Several practices and initiatives have been proven to have positive results by increasing public safety in a cost-effective manner.

“We have to break the cycle. We have to start linking these defendants with the services they need or, as we now know, we will keep seeing them over and over again”

Georgia Supreme Court chief Justice Leah Sears¹⁷⁷

Prevention and intervention work best in a community setting and, increasingly, organizations outside the realm of criminal justice are promoting investments in education, employment, housing, and treatment to keep people out of prison. Historically, law enforcement has tended to focus on immediate solutions to threats to public safety rather than long-term solutions to underlying causes of criminal activity. In contrast, health and human services (HHS) agencies focus on long-term goals of educating and training individuals to learn how to deal with their own lives with their well-being in mind. Community-based versions of programs such as Multisystemic Therapy and Functional Family Therapy dig deeper into the

social and everyday issues that young people face, and they work on problem-solving skills that are more applicable to life in the community.

Furthermore, an increasing number of organizations and studies are focusing on the public safety benefits of education and employment. A policy brief by the Alliance for Excellent Education showed the monetary and public safety benefits of increasing graduation rates and found that a 5 percent increase in male high school graduation rates would produce an annual savings of almost \$5 billion in crime-related expenses.¹⁷⁸

Increasing education and employment opportunities is one more way a community can invest in its future. Providing education and employment services has been shown to correlate with lower rates of offending, according to the Office of Juvenile Justice and Delinquency Prevention (OJJDP).¹⁷⁹ Providing education and employment services for at-risk youth to increase graduation rates as well as wages and employment rates could greatly reduce crime, benefiting both young people and society.¹⁸⁰

Funding for positive public safety expenditures still lags

Although spending on treatment for mental health and substance abuse has increased in the past 10 years, corrections and police spending has increased at a higher rate.

Mental health treatment

During the past five years, public mental health spending has doubled. From 1993 to 1998, mental health spending was increasing at an average rate of 4.1 percent per year, but from 1998 to 2003, spending increased 8.3 percent per year—a sign that people may be increasingly aware of the benefits of increased spending on mental health. Still, spending on mental health lags behind spending on police and correc-

tions (\$100 million on mental health versus \$143.8 million on police and corrections in 2003).¹⁸¹

Substance abuse treatment

In a 2004 government survey of drug use, an estimated 19.1 million people ages 12 and older (7.9 percent of the population) reported using drugs within the last month, of these approximately 4 percent received treatment.¹⁸² According to this National Survey on Drug Use and Health, in 2004 3.8 million people received some kind of treatment for a problem related to the use of alcohol or illicit drugs.¹⁸³

In 1998, the total economic cost of drug abuse was \$143.4 billion,¹⁸⁴ including the costs of medical consequences of alcohol and drug abuse, lost earnings linked to premature death, lost productivity, motor vehicle crashes, crime, and other social consequences. That same year, spending on all substance abuse treatment, drugs and alcohol, was \$15.5 billion, a far cry from the total economic cost.¹⁸⁵ In 2003, \$20.7 billion was spent on substance abuse treatment, a 38 percent increase over 10 years. In recent years, expenditures for substance abuse treatment have grown more quickly than in previous years. From 1993 to 1998, treatment expenditures grew 0.6 percent per year, but between 1998 and 2003 they grew 6.0 percent per year.¹⁸⁶ Despite this positive increase, police and corrections spending is still far outpacing this growth.¹⁸⁷

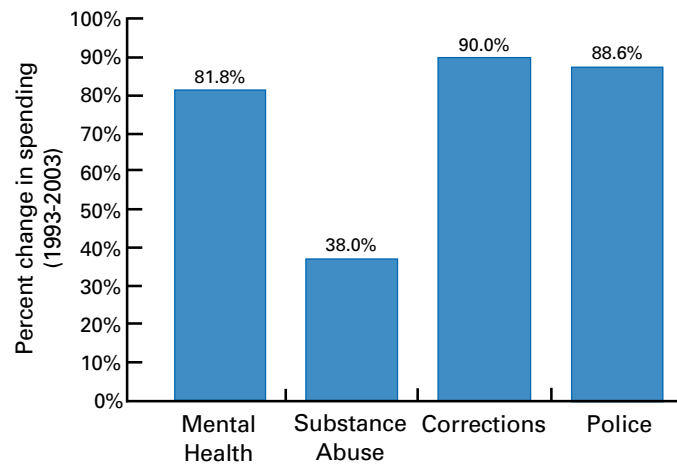
Prevention

Despite the fact that prevention is more cost-effective and a better social investment, corrections still commands a larger priority in state budgets. This trend might be changing but is still far behind where it needs to be.

Juvenile Justice Prevention Grants

Federal funding for delinquency prevention has fallen in recent years. The Juvenile Justice Delinquency Prevention Act's Title V Community Prevention Grants, which are used to fund collaborative, community-based delinquency prevention efforts, have fallen from 94.3 million in FY2002 to 64.4 million in FY2007.¹⁸⁸ In contrast, states spent \$45 billion on corrections in FY2006.¹⁸⁹ A 1998 study by Professor Mark A. Cohen of Vanderbilt University highlights the cost of failing to provide adequate supervision and treatment to troubled youth. The study found that each teen prevented from adopting a life of crime could save the country between \$1.7 and \$2.3 million.¹⁹⁰ Prevention is more cost-effective and works better than incarceration and detention of youth.

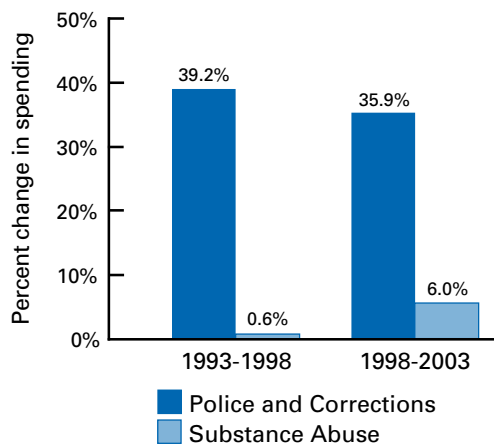
Spending on criminal justice increased at a higher rate than spending on mental health or substance abuse.



Note: Not adjusted for inflation.

Sources: Police and Corrections, BJS, www.ojp.usdoj.gov/bjs/glance/tables/exptyptab.htm; MHA: Tami L. Mark and others, National Expenditures for Mental Health Services and Substance Abuse Treatment 1993– 2003 (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2007). www.samhsa.gov/spendingestimates/toc.aspx.

Spending on corrections and police has increased at a much higher rate than spending on substance abuse treatment.



Sources: Tami L. Mark and others, National Expenditures for Mental Health Services and Substance Abuse Treatment 1993 – 2003 (Rockville, MD: Substance Abuse and Mental Health Services Administration, 2007), www.samhsa.gov/spendingestimates/toc.aspx; Bureau of Justice Statistics, "Key Facts at a Glance: Direct Expenditures by Criminal Justice Function, 1982-2005," www.ojp.usdoj.gov/bjs/glance/tables/exptyptab.htm.

Housing

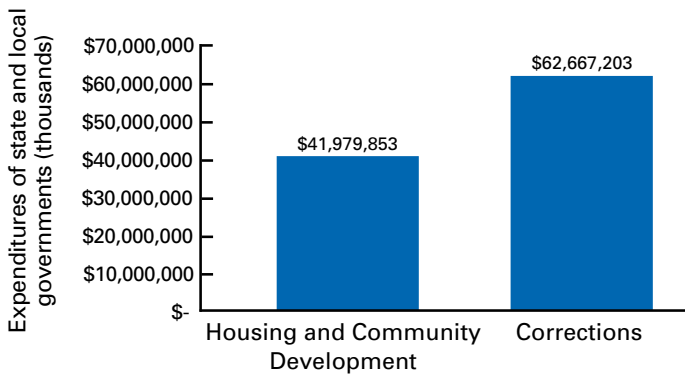
Although research focused on several cities has shown that increased spending on supportive housing reduces correctional spending, jurisdictions continue to spend more on corrections than on housing. In 2005-2006, state and local governments spent approximately 50 percent more on corrections than on housing and community development.¹⁹¹ The Justice Policy Institute (JPI) analyzed national and state-level spending on housing and community development and corrections expenditures and compared these

expenditures to violent crime rates and prison incarceration rates from 2000 to 2005. JPI found that an increase in spending on housing was associated with a decrease in violent crime at the national level and a decrease in incarceration rates at the state level.¹⁹²

Education

Though research indicates that investments in education, including K-12 and higher education, are effective at reducing crime rates, funding for education has fallen severely behind budget allocations for corrections. Funding for corrections has increased at nearly three times the rate of education and libraries in the last 35 years, although researchers have found that a one year increase in the average years of schooling completed reduces violent crime by almost 30 percent, motor vehicle theft by 20 percent, arson by 13 percent and burglary and larceny by about 6 percent.¹⁹³

State and local governments spent \$20 billion more on corrections than on housing and community development in 2005-06.

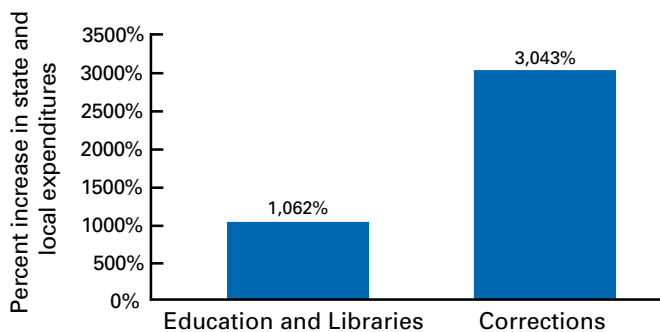


Source: U.S. Census Bureau, Governments Division. *State and Local Government Finances by Level of Government and by State: 2005-06*. www.census.gov/govs/www/estimate.html.

We know what works to increase public safety

Using alternatives outside the criminal justice system has been shown to be more cost-effective than relying on policies that imprison youth and adults.¹⁹⁴ The money saved due to these programs comes from lower incarceration costs and lower costs for victims and society. In theory, these costs could be passed on to communities to implement practices and programs to keep fewer people from becoming involved in the criminal justice system.

Spending on corrections increased almost three times as fast as spending on education and libraries at the state and local level, 1970-2005.



Source: National Center for Education Statistics, U.S. Department of Education. *Digest of Education Statistics, Tables and Figures 2007*. Table 27, http://nces.ed.gov/programs/digest/d07/tables/dt07_027.asp?referrer=list.

A recent study by the Washington State Institute of Public Policy reported lower recidivism rates and higher monetary benefits to taxpayers and crime victims when these model programs were administered instead of detention or unproven alternatives.¹⁹⁵ For example, every dollar invested in Multidimensional Treatment Foster Care (MTFC) yields \$12.20 in benefits to crime victims and taxpayers.¹⁹⁶ Furthermore, a meta-analysis of youth intervention practices found that these evidence-based programs were more effective when they were implemented in community settings than when they were used in custodial settings.¹⁹⁷ As the effectiveness of these polices and programs becomes better-known, a shift from imprisonment to community-based services can occur.

CONCLUSION: Looking ahead

Over the past 10 years, the prison industrial complex has revealed that it is vulnerable to sustained challenges and progressive changes. Due in large part to advocacy groups across the country, prisons have been closed, legislation has increased parole availability in some states, and initiatives have been introduced in an effort to divert people from prison. But the PIC has a tremendous ability to regenerate. In the past 10 years, when the crime rate has dipped to its lowest levels in nearly 30 years, the PIC has shifted by defining more behaviors and conditions as illegal (e.g., using drugs, immigrating, panhandling, sleeping outside, etc.) and imprisoning people for those behaviors.

Some so-called reforms to the prison system may have provided an impetus for the PIC to shift its shape. Efforts that have closed prisons, increased the availability of parole, and introduced drug and other specialty courts undoubtedly helped many people avoid the destructive force of prison; however, others may have unintentionally been caught in a widened net. In particular, specialty courts and specialized prisons may be positioned to deliberately funnel certain groups of people into the criminal justice system under the guise of meeting a specialized need or of providing humane treatment to specific populations. Such specialized courts or boutique prisons may make some types of incarceration more palatable to the public and policymakers who increasingly favor rehabilitation and treatment over incarceration. Making incarceration more politically acceptable is a real danger, especially because most specialized services would be administered far more effectively in communities as opposed to prisons.

Data are not available to definitively link the rise of specialized prisons, specialty courts, and parole practices directly to the continued rise in the prison population. However, a common-sense analysis suggests that any intervention that relies on imprisonment as a sanction for non-compliance with predetermined program requirements will eventually contribute to the prison or jail population.

While for the moment it may benefit communities to chip away slowly at the PIC and reduce the number of prisons and the number of people in them, the long-term vision should be to permanently delegitimize, destabilize, and dismantle the PIC and disqualify all prisons as a solution to perceived social problems.

Specialty prisons

In 2001, a report by the Bureau of Justice Assistance predicted the rise of prisons dedicated to holding specific populations such as the elderly, women, and people with mental health needs—so-called “boutique” prisons.¹⁹⁸

- Californians United for a Responsible Budget wrote a policy brief opposing “gender responsive” prisons that were proposed to house California women in many small facilities across the state, with the claim that they would address the unique needs of women. The women who would be housed in these “mini prisons” would not have been sent to prison under previous policy.¹⁹⁹
- Of the 53,000 additional prison beds proposed in California Governor Schwarzenegger’s AB900, 16,000 would be “re-entry” prison beds and another 8,000 would be “medical” beds.²⁰⁰
- A database on the Association of Private Correctional and Treatment Facilities website shows that approximately 2,200 people are held in facilities for substance abuse treatment, education, or mental health services. Individual institutions include Girls’ View, a secure facility for girls in Colorado, and the West Texas Intermediate Sanction Facility, which holds people who have violated parole.²⁰¹
- In a presentation to investors, Cornell Companies, Inc., a private prison company, encourages changing its available “product” to hold “more difficult residential populations,” such as youth held for sex offenses or fire-setting.²⁰²

“In 2006, the California Department of Corrections and Rehabilitation (CDCR) identified 4,500 women, that by its own criteria, did not need to be imprisoned in state prisons. Yet, rather than release them, the Governor, CDCR and some advocates proposed building a whole new system of smaller prisons throughout the state in which to continue to imprison these same people. In the face of widening anti-prison public sentiment, this plan to build 4,500 new beds for women was put forth using the same rhetoric of “prison reform” and “gender responsiveness.” But we believe prison expansion is not prison reform.”

Californians United for a Responsible Budget²⁰³

Onerous parole conditions

A number of states, including Texas and Kansas, have already passed legislation to expand the availability of parole and allow people in prison to earn more “good time” credits. Although people coming back to communities from prison face a number of barriers to successful reintegration, parole is a far better option than prison for getting people out of prison and back into communities where they can access education, jobs, families, and other social networks and services.

In 2006, prior to the current legislation, more than 750,000 people were on parole,²⁰⁴ an increase of 2.3 percent from the year before. Based on current legislation, this number would be expected to increase in the coming years. Although it is important to acknowledge the value of returning people to society, it must be noted that parole does not guarantee that a person will never return to prison.

- In 2004, approximately one-third of the admissions to state prison were for parole violations.²⁰⁵
- In 2006, four states (California, Utah, Colorado, and Missouri) returned approximately 25 percent of the people who were on parole to prison, and another two (Kentucky and Minnesota) returned 21 percent.²⁰⁶

Parole carries with it terms and conditions that, if violated, usually require a return to prison or jail. In some cases, terms and conditions would never be illegal for a person who had never been to prison. In other cases, people on parole are so constrained by demands from jobs, continued treatment needs, family, and even housing, that the conditions of parole might be very difficult to meet.

By most accounts, parole is also significantly cheaper

than prison, allowing funds to be redirected to initiatives that can potentially keep people out of the prison system altogether. In California, keeping a person on parole in the community costs about \$8 a day, whereas returning a person to prison who had been on parole costs \$78 per day.²⁰⁷

If we continue to rely on parole as a means to get people out of prison, advocates must look ahead to reforming the parole system also. Some scholars advocate for a completely new conception of parole that moves resources dedicated to parole to reentry services, scales back sanctions, and drastically reduces the amount of time that someone is under parole supervision.²⁰⁸

Drug courts and other specialty courts

Drug courts and other specialty courts have also increased nationwide. The courts, particularly drug courts, were originally intended for people who are eligible for treatment, but who, in the absence of the availability of drug court, would go to prison. However, the courts potentially sweep more people into prisons and jails in two ways. First, people who would be best served by community-based alternatives and treatment might be placed in the drug court system in the belief that no other options exist. Second, specialty courts have sanctions for which, if violated, the penalty is usually jail time. A variety of specialty courts have been developed, although available research on their effectiveness is available for only a few types, including drug courts, mental health courts, and re-entry courts.

Drug courts were the first type of specialty court to gain traction for allowing people who needed substance abuse treatment to stay out of the prison sys-

tem, under the supervision of a special court that enacted sanctions for violating the terms of the court's agreement. Drug courts are generally found to help people overcome addiction and stay out of jail;²⁰⁹ however, changes to the original drug court model affect outcomes for participants. One study found that in order for the courts to treat people with addiction effectively and keep them out of correctional facilities, there must be a great degree of fidelity to the original model. Yet, jurisdictions vary in their adaptation of drug courts and experience very different levels of success in keeping participants out of jail or prison.²¹⁰ It is possible that the graduated sanctions that are meant to minimally penalize participants are actually serving to imprison more people.

Mental health courts are also rapidly expanding across the country. Much like drug courts, there is evidence of great individual successes and also of significant failures. Studies in Anchorage, Alaska, and in Florida found that participants spent less time in jail than they had the year before.²¹¹ However, in a controlled study in Santa Barbara, California, researchers found no difference in re-arrest rates or time spent in jail between those who participated in mental health courts and those who did not; and those who participated in mental health courts were more likely to be arrested for technical violations than for new crimes.²¹²

Re-entry courts are designed to help a person leaving prison make a smoother transition back to society. These courts became more popular with growing concerns over the rise in people returning to society, the growth in technical violations, and the concern that community-transition programs were not working.²¹³ Close supervision of the courts may increase the chance that someone is returned to prison for a new offense or violation. A study conducted early in the implementation of the Harlem Parole Re-entry Court showed that one year after release from prison, 22 percent of participants had returned to prison, compared with 14 percent of the non-participant group.²¹⁴

Identifying alternatives to traditional imprisonment will remain an important strategy in the struggle to dismantle the PIC. But in doing so, unintended consequences must be evaluated, and policies that contribute to the divestment of prison and jail imprisonment should be prioritized over partial reforms that still rely on incarceration.

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