

GETTING TOUGH APPROACH TO CRIME FAILS TO PRODUCE RESULTS

By Ed Mead

Anthony P. Travisono was the former Director of the American Correctional Association (ACA), a national organization consisting of prison wardens and other high-level correction officials. He also edited On The Line, the ACA's official newsletter. When writing his Editorial for the January 1991 issue of that paper, Mr. Travisono outlined the record breaking growth in the number of people being sent to prison, and then concluded:

"The final answers to our problems are outside the criminal justice system. Either prevention systems must be developed in our schools or community agencies to target potential offenders or we must learn to punish less expensively and for shorter periods of time." (Editor's note: The option of screening school children for possible criminal tendencies is clearly not a viable one.)

He said that sentences are not likely to get shorter, pointing out that "[t]he October 1990 issue of Corrections Compendium reported that life sentences have increased by 45 percent in the last two years." After some additional figures on the growing length of prison terms, Travisono asked:

"Are prisons going to become places for lifers with very little to do? Or are we going to begin to look more closely at what we are doing as a society and why we continue to punish so expensively?"

Travisono's "solution for the '90s is that we--the criminal justice system--must tell the whole sordid story, over and over again, to all who will listen."

Chase Riveland, the Secretary of Washington's Department of Corrections, was recorded in the minutes of the October 12, 1990, Sentencing Guidelines Commission meeting as making essentially the same point. He said "the state is currently locking up more property offenders and for longer terms under the Sentencing Reform Act than ever before. The crime rate is still increasing." He went on to add that "this incarceration spiral is not going to solve the problem."

New York state has learned this lesson first hand, after squandering billions of taxpayer dollars. They also adopted the option of building their way out of violent crime. Since 1983 the state of New York has spent \$3.7 billion for new prison capacity. The New York prison population soared from 12,500 in

the 1970s to 40,000 in the mid-1980s. Today they are looking for alternatives. Robert Gangi, director of the Correctional Association of New York, said "[t]he dramatic increase in the number of people locked up in New York . . . has already cost the state billions in prison construction and operating expenses. This approach has gotten us nowhere. Statewide crime rates have gone up, not down. We cannot afford to continue to waste expensive prison space on people who can be handled in other ways."

In spite of findings like these, by the experts of this and other prison systems around the country, there is no willingness to take steps toward reducing populations or cutting back on new prison construction. The May 10, 1990, issue of the Seattle Times quoted Ruben Cendeno, director of the Division of Offender Programs for Washington's Department of Corrections, as telling a Washington Council on Crime and Delinquency sponsored forum that this state's corrections system is facing more overcrowding. He said: "It is projected that in the next six years the inmate population is likely to double." Washington's Chase Riveland agrees. He is quoted in the June, 1990, issue of Washington State Corrections Employee News as predicting that the state's prison population will double over the next five years. He also said: "Our operating budget, currently at \$490 million, will shoot to \$1.3 billion by 1995."

The projected increases are on top of an already staggering growth in jail and prison populations. In a special report Population Density in Local Jails, 1988, the U.S. Justice Department's Bureau of Justice Statistics (BJS) recently announced that between 1983 and 1988, 5.3 million square feet of new housing space and 29,000 guards were added to jails throughout the U.S. This is a 44 percent and 65 percent increase respectively. The BJS Jail Report also stated that during the five year period the inmate population grew by 54 percent--from 223,551 to 343,569 men and women. Consequently, jail housing space per inmate decreased by 6 percent, from 54.3 square feet to 50.9 square feet per prisoner.

The Bureau of Justice Statistics went on to issue its annual bulletin on prison populations. The report stated the number of state and federal prisoners in the U.S. grew by a record 76,099 prisoners during 1989. This figure now reaches a new high of 703,687 men and women in the nation's prisons. The number represents a 12.1 percent increase over the 627,588 prisoners held in 1988. Washington state had 5,816 prisoners at the end of 1988, and 6,928 at the end of 1989, for an annual increase of 19.1 percent. The report noted that after 1989 there were 373,866 more prisoners than there were at the end of 1980, which is an increase of about 113 percent in the number of people incarcerated in the nation's prisons.

This trend has of course continued into 1990. The BJS announced that the nation's state and federal prison population increased by 42,862 prisoners, or six percent, during the first half of 1990. BJS director Steve Dillingham said: "The annual increase of more than 80,000 inmates from mid-year 1989 to mid-year 1990 was the largest annual growth in 65 years of prison population statistics." Nationally the number of prisoners per capita reached a record 289 persons incarcerated in state and federal prisons per 100,000 U.S. residents.

Federal, state and local governments spent \$61 billion for civil and criminal justice in 1988, a 34 percent increase since 1985, the Bureau of Justice Statistics announced in its July 15, 1990, Justice Expenditure and Employment, 1988. Other findings in the report were that federal, state and local governments spent \$248 per capita: \$114 for police, \$78 for corrections, \$54 for judicial and legal services, and \$2 for other items. Corrections accounted for almost one-third of the justice costs. Spending for corrections grew the most during that period, by 65 percent in actual (constant) dollars.

There is no end in sight. Prison populations are expected to increase roughly 68 percent by 1994, according to a report by the National Council on Crime and Delinquency. The study said the states will require an additional \$35 billion to build and operate prisons over the next five years. Despite the increase in use of incarceration, the report found, there has been no positive impact on crime rates.

Columnist Herb Robinson, writing for the Seattle Times, reported that the percentage of felons sentenced to alternatives to confinement has decreased from 25 percent in 1982 to only 7 percent of all felons in 1988. Robinson said: "If present policy directions were correct, there would be less pressure for building . . . more prison space. Plainly, the policies now in place are not working."

Mr. Robinson is correct. The latest FBI statistics demonstrate that murders in the largest U.S. cities jumped by 20 percent during the first six months of 1990, and the percentage in Seattle was considerably above the national average. The FBI's Uniform Crime Rate Report also shows that during the same period rape and assault were up by 10 percent, and robbery was up by 9 percent. These increases boosted the violent crime index rate to 8 percent higher than the same period last year. Overall, the violent crime rate rose 61 percent nationwide over the last two decades, making the U.S. one of the most dangerous countries in the industrialized world to live in. Americans are seven to ten times more likely to be murdered than the residents of most European countries and Japan.

Today there are some 1.2 million Americans, more than the population of San Diego (the nation's sixth largest city), locked up behind bars. At the present rate of growth in the national prison population, warned Warren Cikins of the Brookings Institution, in the 10-22-90 issue of U.S. New & World Report (p. 15), more than half of all Americans will be in prison by the year 2053. The other half the population will presumably be working in the burgeoning corrections industry.

Clearly this state has a lot to learn. According to the Bureau of Census' Children in Custody series, Washington state leads the nation in its confinement of juveniles in detention and state institutions. Washington has 1,211 juveniles in custody for every 100,000 population. The second ranked jurisdiction was the District of Columbia, which had 666 kids detained for every 100,000 people. The national average is 245 per 100,000. The Washington rate of incarceration of juveniles is more than four times the national average.

"Prisons should be primarily for violent offenders--and they must be humane," says the ACLU's Briefing Paper #2. "Inhumane prisons simply reinforce criminality, releasing back into the streets people who've become more anti-social and crime-prone than they were before incarceration." The ACLU concludes that "a serious anti-crime strategy must deal, first and foremost, with the root causes of crime--persistent poverty, lack of educational and employment opportunities, racial discrimination and social alienation."

There is statistical data supporting the relationship between social problems such as unemployment and education and crime rates. Professor M. Harvey Brenner of Johns Hopkins University, testifying before Congress (the Joint Economic Committee, Fall 1979), stated that high youth unemployment is the most significant factor affecting violent crime, because most such crimes are committed by young people. Brenner presented evidence that an increase of 1 percent in the ratio of youth unemployment to general unemployment, during the years 1945 to 1976, corresponded to a 12.2 percent increase in homicides by those aged 15 to 19, and a 17.2 percent increase in homicides by those aged 20 to 24. Assault rates increased 6.7 percent and 7.2 percent for those same groups, respectively, with the same 1 percent increase in the ratio. The same finding holds true for rates of mortality, morbidity, suicide, prison admissions, admissions to mental institutions and property crimes.

What is true for unemployment rates is also true of education levels. In a report issued last year by the Institute for Education Leadership the relationship between education and recidivism rates was examined. "Eighty-two percent of America's prisoners are high-school dropouts," the report said. Mostly,

the study found that states with the best rate of high-school graduation have very low rates of prisoners. Minnesota, with a best in the nation dropout rate of 9.4 percent, has the country's second lowest inmate rate--60 prisoners per 100,000 population. The other top 10 states for low dropout rates are also below the national average of 228 prisoners per 100,000 population. Florida has the worst dropout rate, 41 percent, and one of the highest incarceration rates, 265 prisoner per 100,000 population. The results of the study would suggest that the prison system is absorbing a large amount of resources that otherwise might go to programs proven more effective in lowering recidivism rates. (A 1989 government study of hundreds of thousands of released prisoners fixed the nation's total recidivism rate at 62.5 percent.)

Washington state, as well as many of her sister states, is paying roughly \$40,000 a year to confine each prisoner. It would take a far less amount of money and other resources to send an offender to Harvard to make a nuclear physicist of him. Indeed, common sense would dictate that a healthy social order reinforce and strengthen weaknesses in the social fabric, such as criminal behavior. But instead society banishes offenders to remote locations, spending excessive amounts of money to punish these individuals, which results in the generation of alienated people full of a rage that ultimately gets taken out on wives, children, neighbors and the community as a whole.

Any long term solution to the problems of crime and punishment will require fundamental social change (a radical transformation of existing class relations). As the ACLU's Briefing Paper #2 notes: "Calls for 'law and order' and the scapegoating of civil liberties are much easier than acting to ameliorate the conditions that foster crime, but such approaches will not make our society safer. As long as we are a society of haves and have-nots, we will continue to be plagued with crime, no matter how many police are deployed or how many new prisons are built." If this message regarding the need for fundamental change continues to be ignored by American citizens, as it has been in the past, then the outlook for the future will be one of still more intense levels of crime, ever larger prison populations, and a greater tax burden on the public to pay for a system of corrections that does not correct.

"There is something rotten in the very core of a social system in which crime grows even faster than the size of the population."

Karl Marx and Friedrich Engles,
Collected Works, Vol. 13, p. 515.