

# Bulging prisons, petty offenses

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U.S. Supreme Court ruled California prison system so severely overcrowded it violated human rights.

*Photo by Kevork Djansezian/Getty Images*

You may not care at all about the prison population. Why should you? Well, you pay for it for one thing. So it should matter if millions of people are under correctional custody and millions do not need to be. What's more, there are severe indirect effects: a conviction creates a life-long employment problem, which you may have to pay for through numerous negative consequences. Even more serious is that fundamentally unfair criminal justice systems are morally wrong. People, no matter what their circumstance, and so long as they injure no one, have a fundamental right to liberty. And – the loss of liberty due to a petty offense fails to keep you any safer.

**In 2010**, the number of people under adult correctional services reached 7.1 *million*. About 7 out of every 10 people under adult supervision were being supervised in the community. However, 3 in 10 people – 2.3 million total – were in local jails, or in state or federal prisons. The U.S. has an imprisonment rate of 497 inmates per 100,000 of its residents. And that is a decline from a high in 2007, when there were 506 inmates per 100,000 residents. In the 1980s, funding for all aspects of criminal justice, at all levels, increased wildly. Money for police increased 416 percent, for courts, 585 percent, and for corrections (confinement), 990 percent. Federal spending increased by 668 percent, county, 711 percent, and state by 848 percent. In 1990,

this nation was spending 75 billion annually in direct costs to lock up all these offenders. But Miller (1996, p.2) believes this is a gross understatement and that the total costs for the “crime-control industry” by the mid-1990s was over 200 billion dollars. It is, of course, much more now with all the new prisons built and all of them filled.

The purported reason for all this spending was to reduce violent crime by incarcerating (or “incapacitating”) the “career criminals” of the nation. At least since the 1960s, politicians have been discussing violence in terms of segregating habitual or repeat offenders. But most criminal justice and criminology academics at least once recognized an inherent problem in trying to reduce violence through a policy of incapacitation. In January, 1978 (p. 57) as Koerin made clear, “While dangerous offender legislation relates primarily to segregation of violent or sexual offenders and requires psychiatric diagnosis of dangerousness, career offender programs attempt to segregate for as long as possible habitual offenders whose past offenses may not necessarily have been violent.” These are two different groups of practitioners focusing on two different populations, using clinical predictions for psychiatric patients and statistical predictions for inmates, with neither working because violence tends to be “vastly overpredicted by both” methods (Koerin, p.54). Further, while the former tend to be white, the latter tend to be black. And this is how we came to create, or recreate, a mammoth criminal justice system focused largely on nonviolent African Americans.

Early results of the coming disaster appeared in a study of California prison inmates conducted by the Rand Corporation (see [Ritter, 2012](#)). By 1990, Mauer (1990) reported that on an ordinary day in the U.S. one in every four African American males, ages 20-29, were either incarcerated or living under criminal justice supervision in the community. In 1992, the National Center on Institutions and Alternatives, studying Washington D.C.’s criminal justice system, found that “42 percent of all the 18-35-year-old African-American males” in that city were either incarcerated or under supervision. “On the basis of this ‘one-day’ count, an estimated 75 percent of all the 18-year-old African-American males in the city could look forward to being arrested and jailed at least once before reaching age 35,” and several studies have estimated the lifetime risk as somewhere between 80-90 percent for blacks in the nation as a whole (Miller, 1996, p. 7).

In 1993, over half of Baltimore’s black males were incarcerated or under criminal justice supervision, with the racial disparities greatest for drugs. And 90 percent of these arrests were for “possession.” Another 1993 study cited by Miller (1996) concerned the status of blacks by the California State Assembly. They found that 92 percent of the black men arrested on drug charges were *subsequently released for lack of evidence or inadmissible evidence*. Further, black men made up only 3 percent of California’s population but 40 percent of those entering prisons.

Between 1990 and 1996, the percentages of whites and blacks incarcerated began going in opposite directions, with whites decreasingly imprisoned while blacks made up the greatest percentage. By 2005, figures from the FBI’s [Persons Arrested: Crime in the United States](#), reported that police made more arrests for drug abuse violations – an estimated 1.8 million – than for any other offense. Yet, “sixty-one percent of all adults arrested for violent crime were white, and 69.4 percent of adults arrested for property crime were white” (Table 43). But most blacks were arrested for drug offenses. Most of these – a whopping 81.7 percent, were for possession. Possession of what? In 37.7 percent of the cases, a higher percentage than any other category, the drug possessed was marijuana.

This is how you are spending your tax dollars – to lock up fellow-citizens according to their race, not

according to their crime. Blacks have little say over the criminal justice industry devastating their communities. Whites need to demand an end to the imprisonment of minor offenders as a start to a better, safer, fairer system of justice.

## **SUGGESTED LINKS**

- **More guns, fewer mass shootings?**
- **The serial killers' crimes: How they obtain their victims, continued (Part 16)**
- **The serial killers' crimes: How they obtain their victims (Part 15)**
- **The crimes of serial killers: Are there victim-types? (Part 14)**



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Crime & Justice Examiner