

Evidence

Criminal Justice Reform

Speakers, data make a case for change.
BY VICKI SANDERS AND LEAH HERSCOVICI '18

Much as it has been on the national agenda in recent years, criminal justice reform has been a topic of considerable discussion at BC Law. Last semester alone saw visits by several advocates for change, a Rappaport Center for Law and Public Policy symposium on the subject, and a powerful argument by a student veteran of the War on Drugs who writes (on page 38) that the fight is unwinnable. Their search for solutions to failed policies, high costs, mandatory minimum sentences, huge prison populations, recidivism, and a host of other factors that have contributed to an overburdened infrastructure and a degraded understanding of justice, resonates in every corner of America, in blue states and red, and at every level of government.

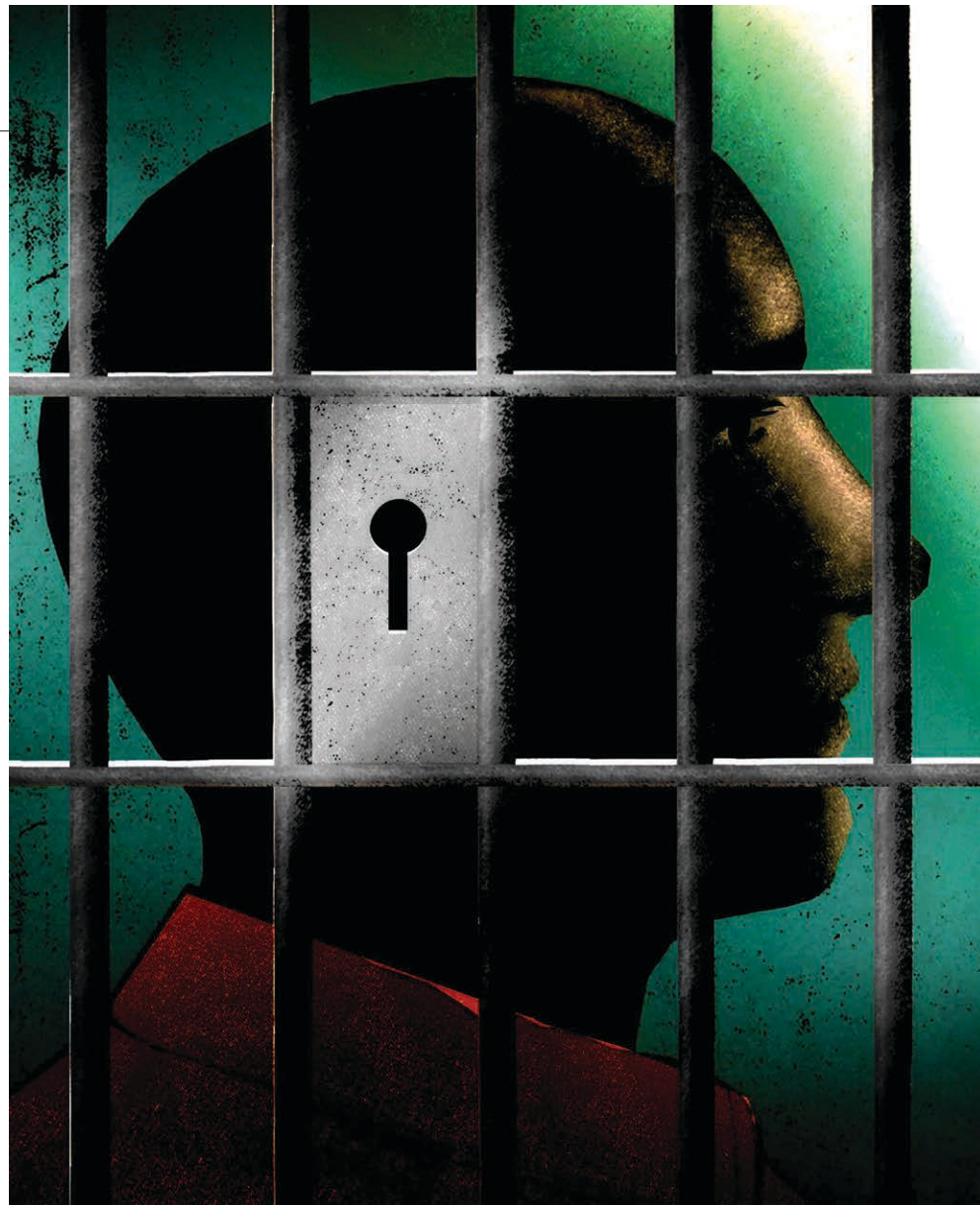
In the 2016 election, for example, criminal justice reform ballot initiatives were victorious in many states, even some with tough-on-crime reputations. Yale law professor James Forman Jr. wrote in the *New York Times* that among the outcomes were the reclassification of certain drug and theft felonies as misdemeanors (New Mexico), and the authorization for judges, rather than prosecutors, to decide when to try juveniles as adults (Oklahoma).

The latter decision is resonant with the theory that juvenile justice reformer Adam Foss put forward in his lecture at BC Law that prosecutors, as sentries at the door to the criminal justice system, are uniquely positioned to effect positive change if they use their discretion more judiciously.

Massachusetts Supreme Judicial Court Chief Justice Ralph D. Gants, in his keynote at the Rappaport symposium (on page 10), called for a change in what probation and parole do, and held that adequately funded recovery, education, and assimilation programs would be far more effective and economical than existing methods in decreasing recidivism. "Parole programs cost \$20,000 per participant, prison terms cost over \$50,000 per participant," he said, citing state figures.

The data on these pages provide a numerical snapshot of factors that have contributed to the concerns of Gants and others who spoke here of reform. As activist Edwin Lindo said during his appearance: "It's time for us to create our own enlightened period. Let's not talk about reform. Let's transform."

Mitchell Perne '18 contributed to this report.



THE UNITED STATES



\$80 billion / Prisoner costs per year

5% / of world's population | **25%** / of world's prisoners

MANDATORY MINIMUMS

Mandatory minimum sentencing (MMS), implemented in the mid-1980s, requires binding prison terms for certain federal and state crimes.

750% Federal prison population growth since 1980s | **30%** Amount prisons are over capacity

\$3 billion / Potential taxpayer savings over 10 years with smarter sentencing

PRISON POPULATION

US system holds more than 2.3 million people in 1,719 state prisons, 102 federal prisons, 901 juvenile correctional facilities, 3,163 local jails, 76 Indian Country jails, and various other facilities.

93 to 7
Male to female percentage in US prison population

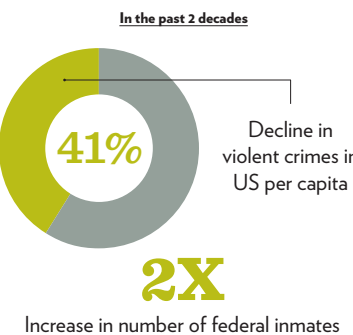
Women
Fastest growing sector of prison population

2-4X higher
Prisoner incidence of serious mental illness versus general population

67.8%
Prisoners rearrested within 3 years of release

Blacks
13% / **37%**
of the US population / of federal inmates

Hispanics
17% / **35%**
of the US population / of federal inmates



80%
Men and women inmates with serious drug and alcohol problems

\$51 billion
Spent on drug law violations

1,488,707 Drug arrests
10-40% Coast Guard interdiction rate on maritime drug shipments

FOR-PROFIT PRISONS

In the 1980s, for-profit prisons began winning contracts to operate entire jails for the first time. Politicians in both parties responded to prison crowding with private prisons. The industry grew by 1,600% over a 20-year period ending in 2009. Today, 1 out of 6 federal prisoners is in a for-profit facility.

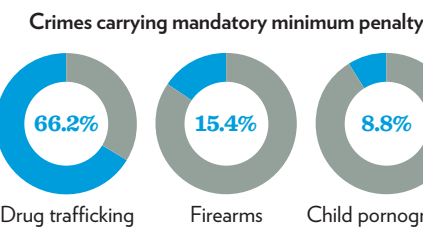
\$70,000,000,000
Worth of private prison industry

\$5.1 billion
Income for detaining immigrants

61 Facilities run by Corrections Corporation of America, the first modern private prison
33 / States with private prisons
133,000 State and federal inmates housed in private facilities

65% Have contracts with local governments that include lockup quotas

1,100% Increase in prison spending
25% / Size of USDJ's discretionary budget spent on prison population



Offenders carrying mandatory minimum penalty

