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Future of Criminal Justice in America

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Abstract

Throughout history, a civilization’s attitudes toward the law, crime, and punishment have served as indicators of its morality and commitment to progress. What then, I wonder, will history say about the American Civilization? Might they ask why the wealthiest nation in the world also has the highest incarceration rates?

This is but one of the critical questions I was left with after my internship at the Rhode Island Attorney General’s Office. America currently houses over 2.5 million inmates in state and federal prisons across the country. Despite the noticeable decline in crime (particularly violent crime) over the past decade, prison populations continue to rise; as a result so does the astronomical cost of maintaining the incarceration apparatus. Besides being wholly unsustainable, the predominating trend in criminal justice is to punish rather than rehabilitate. The problem with this is that when criminals complete their prison sentence, they are denied the means to re-assimilate themselves into society, such as: higher education, employment opportunities, and civic involvement, causing many to resume their criminal behavior.

The integration of drug offenders with violent criminals is another major problem, as it contributes to what are known as criminogenic (crime-producing) prisons. From a health perspective Marijuana is a relatively harmless substance compared to say, alcohol or tobacco, and yet we continue to spend millions enforcing, prosecuting, and punishing minor drug offenses rather than treating them as a public health issue.

The goal of my project is to dispel some of the myths that support these self-propagating policies, highlight policies that have proven successful (both here and abroad), and offer prevention-based alternatives for a more sustainable future. At the very least I hope to convey the urgency of dealing with these problems today, lest the economic and social attrition render us incapable tomorrow.
The Future of Criminal Justice in America

By Andrew Karanikolis
Criminal justice experience

- Fall 2009 Internship at the Washington County Courthouse under Assistant Attorney General Stephen Regine.
- Worked with fair-minded, hard-working professionals, but the office was limited in its resources, frequently experienced network and technical failures, and employees were limited to three or four days a week.
- Surprised by volume of drug cases in South County.
- I observed Superior Court proceedings regularly, saw first-hand the families affected by crime, as well as punishment.
- Plea bargains of nolo contendre ("no contest") were extremely common.
Crime statistics

• Since 1993 criminal activity in the United States has steadily decreased, although significantly slower today than it was the middle-late 1990’s.
• In 2005 87% of property crimes and 89% of violent crimes were committed in metropolitan areas.
Corrections statistics

• The United States has the highest number of incarcerated in the world, nearly doubling that of China. As of 2008 there are 7.3 million Americans in the penal system, with 2.4 million incarcerated.
• The United States makes up approximately 5% of the world’s population, but houses 25% of the world’s incarcerated.
• 57% of federal prison inmates were convicted on drug offenses, 20% for state correctional facilities.

• 2005 State and federal prison race proportions:
  • Hispanic: 20%
  • White: 35%
  • Black: 40%
  • Other: 5%

• Recidivism: Within 3 years of their release, 67% of former prisoners are rearrested and 52% are re-incarcerated.
Federal criminal justice budget
Lessons from operation ceasefire

• Taskforce and strategy.
• Sit-downs: ultimatum, community appeals, law and case briefings, and outreach.
• Effectiveness and lessons:
  – Formal versus informal sanctions.
  – Criminal behavior is based on subjective perceptions, not objective reality, and certainly not societal perceptions. Authorities must adopt strategy of “perceptual deterrence.”
  – Offender awareness of risks and consequences is imperative, yet sorely lacking. Awareness must be facilitated through specialized communication techniques.
  – Deterrence applied to collectivities.
  – Deterrence as a strategy, not a byproduct.
The war on drugs

- Goal: Drug Free America.
- Total policy failure.
  - Prohibition, like alcohol in 1920's, has spawned an enormously lucrative black market.
  - To put things in perspective, in 1998:
    - Pure gold ~ $312 per ounce
    - Marijuana ~ $300 per ounce
    - Cocaine ~ $3,900 per ounce
    - Pure heroin ~ $28,000 per ounce
  - Extremely dangerous for criminal organizations to control this much money.
  - Teenagers, unemployed, poor lured into trade by profitability and accessibility \( \rightarrow \) Gangs.
- Efforts to cut off supply have largely failed, problem is demand.
- Debunking the Misconceptions:
  - Addiction is the exception not the rule.
  - "Systemic" drug deaths
  - In 2000 illicit drugs were responsible for the deaths of 17,000 Americans, compared to 435,000 for Tobacco and 85,000 for alcohol.
The war on drugs cont.

- Drug offender facts.
- Treatment is cost-beneficial.
- The War on Drugs erodes civil rights.
- The War on Drugs can, and has damaged communities.
- Racial disparity: As of 1999 African Americans made up
  - 12% of total U.S. population
  - 13% of drug users
  - 35% of possession arrests
  - 55% of possession convictions
  - 74% of possession incarcerations
- Decriminalization emphasizes drugs as a health issue.
- Profit motive must be eliminated.
Capital punishment

• Arguments for:
  - Retribution
  - Deterrence

• Arguments against:
  - Risk of wrongful execution
  - Discriminatory and arbitrary sentencing
    • 1990 study found that when a homicide victim was white, the odds of receiving the death penalty doubled.

• Cont
Corrections-industrial complex

- In 2000 private correctional facilities held 5.8% of all state inmates and 10.7% of federal inmates. Texas and Oklahoma have the most. Private corrections is dominant in juvenile facilities and half-way houses. Private corrections also has significant presence in local jails, women’s institutions, detention centers for BICE.

- Some facilities are still owned by the state and simply operated by a corporation, such as the Donald W. Wyatt Detention Facility in Central Falls, Rhode Island.

- These facilities are advertised as being more efficient and an economic boost for small towns and rural areas.

- Dangers

- Corrections-Industrial Complex made up of:
  - private corporations (CCA, CSC, Wackenhut Corrections)
  - professional organizations (American Bar Association, ACA)
  - government agencies (Bureau of Justice Assistance, National Institute of Justice)

- Many cases of abuses:
  - 2000 CCA facility in Walsenburg, AZ
  - 2000 Wackenhut facility in Jena, LA
  - 2001 CCA owned Central Arizona Detention Center in Florence, AZ
The National Criminal Justice commission

- Establishes the National Criminal Justice Commission to undertake a comprehensive review of the criminal justice system. Directs the Commission to:
  1. review all areas of federal and state criminal justice costs, practices, and policies;
  2. make specified findings relating to incarceration, prison administration, the impact of gang activity, drug policy, mental illness among prisoners and the role of the military in crime prevention;
  3. make recommendations for changes in policies and laws to address findings;
  4. consult with government and nongovernmental leaders, including state and local law enforcement officials, and
  5. submit a final report to Congress and the President and make such report public.
- Endorsed by over 100 organizations, including: The Sentencing Project; Drug Policy Alliance; The Brennan Center for Justice; Open Society Policy Center; United Methodist Church; ACLU; Families Against Mandatory Minimums, and the NAACP.
Conclusions

- **POVERTY, THE WAR ON DRUGS, CRIME, AND INCARCERATION**
  - Social conditions and limited opportunity for advancement → escapism → youth idolization of “Robin Hoods” of illegal drug trade → gang violence → incarceration’s effect on community → overcrowded, criminogenic prisons → minimal treatment, education, and vocational training → recidivism

- **THE CORRECTIONS-INDUSTRIAL COMPLEX**
  - Commodification of the underprivileged

- **THE NATIONAL CRIMINAL JUSTICE COMMISSION, THE PUBLIC & THE MEDIA**
  - In order for policy to change, public (mis)perception must change.
  - Media plays highly influential role, both in reporting and entertainment.
  - Rodney King case changed face of Los Angeles police culture.
  - It’s up to us, the future is bright.