

Tough on Crime

an inside look at the U.S. legal system

Over the past 40 years, crime rates in the U.S. have fluctuated, while incarceration rates have increased by 500 percent. By 2012, 2.2 million people were confined in prisons and jails across the country, making the U.S. the world leader in incarceration. This culture of imprisonment begins at a young age, with zero tolerance policies enforcing harsh penalties for relatively minor misbehavior in schools, including truancy, dress code violations, and non-violent disruptive behavior. Only 5 percent of school suspensions nationally are for weapons or drugs, while 95% are for disruptive or other behavior. This trend of criminalizing non-violent behavior continued as many low-level drug offenses were classified as felonies. For example, possessing one gram of LSD can lead to a five-year mandatory minimum sentence in federal prison. Mandatory minimum sentences are 'one-size-fits-all' sentencing laws that limit the ability of judges to take individual situations into account. In addition, states began passing three-strikes laws, which mandate a life sentence for anyone convicted of a "serious violent felony" - including robbery - with two or more previous convictions on their record. Even so, about 95% of all prisoners will eventually be released back into their communities, but the punishment doesn't end at the prison gate. Drug felons are permanently barred from receiving public assistance such as food stamps, Medicaid, SSI, financial aid, and federal housing assistance. Barriers also loom from lack of access to job training, drug and mental health treatment, and transitional housing. Today, over 5 million Americans are being denied the right to vote because of a past or current felony conviction.

Statistics:

- Incarcerated juveniles are 22 percent more likely to be incarcerated as an adult.
- Of the more than 2 million people in U.S. prisons and jails, more than 65 percent have a substance abuse addiction.
- Over 87 percent of federal prisoners were imprisoned for a non-violent offense, including property, drug, and other offenses that do not involve the threat of harm.

Questions to Consider:

- How may our existing school discipline policies place children on a path toward imprisonment?
- Is imprisonment an effective and/or appropriate response to drug offenses? If not, what is?
- How might mandatory minimum sentences serve to engender future criminal behavior?
- What are other alternatives to imprisoning non-violent offenders?
- How does our current retributive justice system contribute to the process of creating criminals?

Resources:

- *Locked Out* by Jeff Manza and Christopher Uggen
- *The New Jim Crow* by Michelle Alexander
- "Zero Tolerance and Exclusionary School Discipline Policies," Children's Defense Fund Issue Brief, November 2012

