

# Facts You Should Know About America's Dysfunctional Criminal Justice System – *An Urgent Call for Action*

---

## AN AWESOME AND TROUBLED CORRECTIONAL COMPLEX

The United States operates the world's largest, costliest, and most dysfunctional criminal justice and incarceration systems. Representing nearly 5 percent of the world's population, the U.S. is home to nearly 25% of the world's prison population. It houses 33% of all female prisoners in the world. It arrests and locks up more of its citizens than any other country in the world. With 77 million citizens having an arrest record and millions circulating in and out of correctional facilities each year, American could be rightfully called an "Arrested Society" and "Incarcerated Nation." Viewed from another perspective, criminal justice and incarceration are **big businesses** in the U.S. It's an especially big business for private prison operators, the bail bond industry, privatized probation services (outsourced and/or offender-funded model), telephone companies, prison suppliers, prison industries, and "weekend cops" who have a vested interest in keeping the system running as is. As such, it's very difficult to change such a large, vested, and dysfunctional system that is also politically entrenched through lobbying and campaign contributions.

## 25 COSTLY AND SOBERING FACTS

1. 77 million Americans have an arrest record that may pose barriers to employment and life in general
2. 25% of all the world's inmates are locked up in the U.S.
3. 1 out of 3 imprisoned women in the world are in the U.S.; fastest growing prison population in U.S.
4. 707 out of 100,000 U.S. adults are locked up – highest percentage in the world
5. 2.3 million are caged in U.S. federal and state prisons
6. 11-12 million circulate in and out of jails, detention centers, and prisons each year
7. America's correctional complex (7,400 institutions) includes:
  - 1,719 state prisons (1.3+ million inmates)
  - 102 federal prisons (200,000+ inmates)
  - 2,259 juvenile correctional facilities (55,000 juveniles)
  - 3,283 local jails (800,000+ inmates)
  - 9 Indian Country jails
  - several military brigades and confinement facilities
8. Federal and state prisons, which normally house 500 to 5,000 inmates, are homes to a disproportionate number of immigrants, violent criminals, the mentally ill, and really bad people you probably don't want to associate with
9. Over 25 percent of federal prisoners are non-citizens and nearly 8 percent are serving time for violent crimes
10. Annual release rate vary by correctional complex, but 95% eventually are released:
  - 700,000 ex-offenders released from state and federal prisons
  - 9 million released from fast revolving jails/detention centers
  - 5 million+ are on parole or probation
  - 33% of annual prison admissions are parole violators
11. Largest and most notorious prisons include:
  - **ADX** (Administrative Maximum Facility or SuperMax) in Florence, CO – "The Alcatraz of the Rockies" (440 prisoners)
  - **Louisiana State Penitentiary** ("Angola" or "The Alcatraz of the South") – largest prison in the U.S. – 6,800 inmates and 1,800 correctional personnel; 74% are "lifers"; new arrivals initially work the cotton fields; only prison with a golf course; now build own wood coffins for burials in on-site state prison cemetery, which services all prisons in Louisiana.

- **San Quentin State Prison** – 3,302 inmates with 704 on death row
  - **Attica Correctional Facility** – 2,150 inmates
  - **Folsom State Prison** – 1,913 inmates
  - **U.S. Penitentiary Marion** – 1,000 inmates
  - **Leavenworth Federal Penitentiary** – 2,000 inmates
12. Largest jails (literally cities within cities)
    - **Los Angeles Jail** – 19,836 (serves over 50,000 meals a day!)
    - **Rikers Island (NY) Jail** – 10,949 inmates/10,500 staff
    - **Cook County (Chicago) Jail** – 9,514
    - **Harris County (Houston) Jail** – 8,511
    - **Philadelphia Jail** – 8,318
  13. \$250 billion spent annually to operate America’s criminal justice system
  14. \$80 billion spent annually on incarceration
  15. Collateral damage/costs to individuals, families, and communities are simply incalculable – think trillions of dollars!
  16. New York City spends \$208,000 per year to jail someone – elsewhere it’s usually under \$100,000 per detainee (Guantanamo Base -- \$4.5 million spent per year per prisoner!)
  17. The U.S. spends over \$100 billion caging prisoners, 70% of whom are drug offenders
  18. Ex-offenders entering the Free World have several strikes against them:
    - 75% have substance abuse problems
    - 70% are high school dropouts
    - 50% are functionally illiterate
    - 21% have a work-related disability
    - 18% have Hepatitis C
    - 15% have a mental illness (however, some experts estimate 70% of incarcerated women and 55-60% of incarcerated men have a mental illness – see, 2018 book by Alica Roth, *Insane: America's Criminal Treatment of Mental Illness*, who likes to use the 55-70% statistics)
    - 12% report a vision or hearing problem
    - 7% have a tuberculosis infection
    - 4% show signs of PTSD
    - 3% are HIV-positive or have AIDS
    - 3% participate in work-release programs
  19. Nearly 70% of released prisoners become repeat offenders (many due to minor parole violations)
  20. Over 70% of U.S. prisoners are serving time for nonviolent offenses – expect more violent offenders due to changes in court system/sentencing practices (drug courts, mental health courts, etc.)
  21. 34% of the nearly 500,000 correctional officers have PTSD (mainly untreated) –125% higher than combat veterans; they also have the highest suicide rate of any profession – twice as high as police.
  22. **Private prisons** (155) – manage 8% of all inmates (133,000). Mainly operate at state level. CoreCivic (formerly Correctional Corporation of America) (66), GEO Group (65), and Management and Training Group (24). Less likely to take older and sick inmates because of high costs. Food quality issues. More violent. Not more effective or cheaper. Contracts provide no incentive to be effective – get paid by the number of beds, whether occupied or not. Tripled campaign contributions in last election cycle. Neither cheaper or more expensive – about the same in terms of cost. Built, owned, and operated by private companies – these are not hotel management firms!
  23. **Veterans** – constitute about 8% of prison population – 180,000 inmates. Nearly 1 million circulating in and out of jails and prisons each year. Several states now have special treatment and re-entry programs (starting with Wisconsin) designed for assisting veteran populations.
  24. 2.7 million children in the U.S. have at least one incarcerated parent.
  25. The outsourced or “offender-funded” model of **privatized probation** (1,000+ courts) complicates criminal justice in the U.S. and often characterizes the system as corrupt!

# Georgia Prison Experience

## THE FACTS

- 2.6 million Georgians (1/4 of population – state with 9.9 million) have a criminal record on file
- 1982-2002 – prison population tripled (from 13,884 to 46,534)
- 1990-2011 – prison population doubled to 56,000
- 5th largest prison population in 2010 – 53,704 offenders
- 164,000 on probation – 7 years average probation sentence – twice the national average
- 27,000 on parole
- 61.6% black; 33.7% white; 4.3% Hispanic (general population of 31% black)
- Georgia leads the country in the number of people under correctional supervision:
  - 1 in 13 adult Georgians in jail, prison on probation, or on parole (1 in 31 adults nationwide)
  - 20,000 offenders released each year
- 30% recidivism rate in Georgia (NOTE: inaccurate statistic – some put it at 70%!)

## Private Prisons in Georgia

The Georgia Department of Corrections (GDC) currently has contracts with two private prison companies, Corrections Corporation of America (CCA) – now CoreCivic -- and the GEO Corporation. Combined, these facilities are contracted to house 7,974 offenders in four (4) private facilities. Costs the state \$1.30 more per inmate per day compared to a state-run prison. In 1997 Corrections Corporation of America (CCA) to build and operate private prisons in Alamo (Wheeler Correctional Facility) and in Nicholls (Coffee Correctional Facility). In September 2010, GDC contracted with CCA to build and operate a private prison in Millen (Jenkins Correctional Facility) that opened in March 2012. In July 2010, GDC contracted with the GEO Corporation that built and opened a private prison in Milledgeville (Riverbend Correctional Facility). In December of 2011, Riverbend CF opened and became operational. What's the measure of success? Order? Recidivism?

## Specialty courts – “Accountability Courts”

Responsible for reducing the number of offenders in prison (drug offenders in criminal courts became a big ramp way to flooding prisons with offenders) which, in turn, means more violent offenders now confined to prisons! - **Drug Courts** – these are problem-solving courts (felony drug courts, drug treatment courts – drug and alcohol-related courts); **family treatment courts; veterans treatment courts; DUI courts**. Popularity of these courts responsible for developing other specialty courts – **mental health, domestic violence, family, juvenile, veteran treatment**. Drug courts were the first type of specialty courts to develop, and they have proliferated by the thousands over the past 3 decades.

- Mental Health Courts

- Street Outreach Court. The Washtenaw County (MI) Street Outreach Court offers individuals who are homeless or at risk of homelessness the opportunity to resolve Washtenaw County civil infractions and non-violent misdemeanor cases.

- Specialty courts - Mental Health Courts, 427. Truancy Courts, 267. Domestic Violence Courts, 176. Other Problem Solving Courts, 168. Child Support Courts, 68. Community Courts, 57. Federal Reentry Courts, 44. Reentry Courts, 33. Prostitution Courts, 30. Homelessness Courts, 22. Sex Offender Courts, 8. Parole Violation Courts, 8. Gun Courts, 2 - Effectiveness of drug courts -- Better than probation and treatment alone. Drug

Courts significantly reduce drug use and crime and are more cost-effective than any other proven criminal justice strategy. FACT: Nationwide, 75% of Drug Court graduates remain arrest-free at least two years after leaving the program.

## Probation versus parole

Probation and parole are both alternatives to incarceration. However, **probation** occurs prior to and often instead of jail or prison time, while **parole** is an early release from prison. In both probation and parole, the party is supervised and expected to follow certain rules and guidelines.

**Offender-funded probation system** – offender pays monthly fees. Can be jailed for failing to pay probation fees -- \$100 – 400 per month. Many homeless are destitute and cannot pay these fees. Many go to jail for failing to pay up! Homeless may sell blood plasma twice a week to pay these fees or go to jail. Often under supervision of for-profit firms.

“Offender-funded” model of privatized probation that prevails in well over 1,000 courts across the US.

**Instructive Georgia case:** In Georgia, Thomas Barrett pled guilty to stealing a \$2 can of beer from a convenience store and was fined US\$200. He was ultimately jailed for failing to pay over a thousand dollars in fees to his probation company, even though his entire income—money he earned by selling his own blood plasma—was less than what he was being charged in monthly probation fees.

**The Deal:** Probation companies offer courts, counties, and municipalities a deal that sounds too good to be true—they will offer probation services in misdemeanor cases without asking for a single dime of public revenue. All they ask in return is the right to collect fees from the probationers they supervise, and that courts make probationers’ freedom contingent on paying those fees. Those fees make up most probation companies’ entire stream of revenue and profits.

Some local officials turn to probation companies because they are facing genuine financial hardship. An increasing number of counties and municipalities depend on local courts as sources of revenue by trying to fund through misdemeanor fines what they cannot or will not fund through taxation. But the same courts often argue that they cannot afford to hire clerks or other personnel to track whether offenders on long-term payment plans are paying what they owe in fines.