

Viewpoint: How America's prison epidemic spread to Michigan

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By

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How did America's addiction to prisons and mass incarceration get its start and how did it spread from state to state? Of the many attempts to answer this question, none make as much sense as the explanation found in a new book titled, "A Plague of Prisons: The Epidemiology of Mass Incarceration in America." According to public health expert and Columbia professor, Ernest Drucker, the rapid growth and spread of American prisons follows the classic life cycle of an infectious bacterial or viral epidemic.

For the years 1970 to 2009, the total number of federal prisoners increased from 21,094 to 208,118. State prison inmates went from 177,737 to 1.4 million. When the 767,620 persons in local jails are added in, America's grand total for 2009 was nearly 2.4 million persons behind bars — a world's record. As for Michigan, from 1970-2009, state inmates increased five-fold, from 9,079 to more than 45,000.



Public health officials track an epidemic by locating its initial outbreak; identifying the exposed population; learning how it spreads; identifying how it sustains itself; and, by addressing the epidemic's long-term harm.

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The Outbreak: To show his toughness on drug dealers, New York's Gov. Nelson Rockefeller sponsored the so-called Rockefeller drug laws of 1973. These laws, says Drucker, launched America's prison epidemic." Adopted in response to the rise in heroin use in New York in the 1960s, "these laws mandated an elaborate new set of lengthy sentences for many drug offenses. In some cases sentences for possession and sales of small quantities of drugs were equal to those given for many violent crimes -- rape, assault and robber," Drucker writes.

The Epidemic Spreads: The Rockefeller laws then became the model used by lawmakers in other states to adopt their own statutes calling for severe sentences for the possession and sale of drugs. In this way, the initial outbreak became contagious and spread throughout the nation.

Exposed Populations: In New York, exposure to the Rockefeller laws was concentrated in the black and Hispanic

communities — Drucker calls them "feeder communities," — and, by 1990, these drug laws accounted for a third of the state's entire prison population. The incarceration rate for blacks and Hispanics was 30 times higher than for whites.

This pattern was repeated in other states as well, where new drug laws hit black and Hispanic communities especially hard.

Sustainability: While continued prosecution of low-level crimes is the engine that drives large prison populations, Drucker claims the epidemic is sustained by post-prison parole policies. Over 1 million paroled ex-convicts are constantly at risk of reincarceration. Violations of administrative and technical parole rules, not new criminal charges, annually account for about one-third of all state prison admissions. Today, two-thirds of all released inmates are returned to prison within three years.

Long-term Harm: Exposure to the criminal justice system brings on two types of lasting consequences. First, ex-convicts reentering society are often unable to find a job, decent housing and other social services.

In addition, says Drucker, 25-30 percent of the children growing up in the so-called feeder communities have a parent behind bars. "These children of the incarcerated are," he says, "the second major reason mass incarceration has become self-sustaining. ... Estimates are that between one-third and one-half of all juvenile hall inmates have a parent who has been incarcerated."

Drucker concludes that "We can now identify the features of an infectious disease gone out of control -- not drug use itself, but how we handle America's drug problems. Our decision to criminalize drug use

in the United States has caused our epidemic of incarceration; hence reform of our drug policies must be the first focus of our preventive strategy. "Simply by not incarcerating new cases involving non-violent, small time drug offenders would, Drucker says, immediately cut prison admissions by 30 percent.

New York's Rockefeller Drug Law Reform Act of 2009 closed down the mandatory sentences found in the original draconian statute, and it grants judges greater freedom in sentencing including the option of

sending addicted offenders to treatment, not prison. Earlier drug law reforms in 2004 and 2005 contributed to a decline in New York's prison population from 70,199 in 2000, to 58,687 in 2009.

While Michigan's prison population from 2000-2009 also declined from 47,718 to 45,478, reforming the state's drug laws might hasten that trend.

The prison epidemic spread one state at a time, and that is how America's plague of incarceration can end.

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