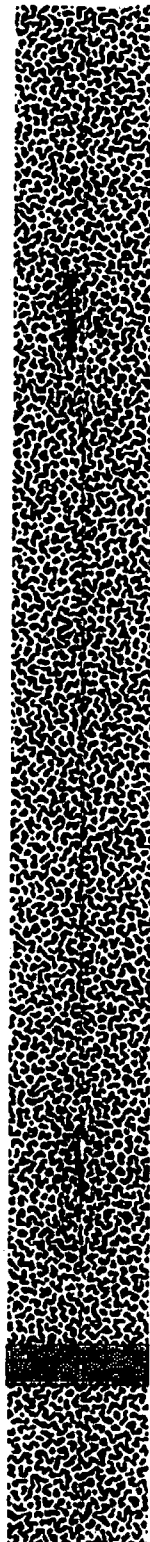


WHO GOES TO PRISON?



BY
JAMES AUSTIN, Ph.D.
AND
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Mayor Koch has stated that hate and pain or should be removed from our hearts. I do not think so. I want to hate these muggers and murderers. They should be executed for their crimes. I want to hate these murderers and I always will. I am not looking to psychoanalyze or understand them. I am looking to punish them.

Donald Trump

SUMMARY

During 1987, approximately 340,000 persons were sent to state and federal prisons. The public, influenced by news stories of exceptionally violent crimes and politicians' rhetoric, believe that all of these prisoners are dangerous and should serve lengthy prison terms.

The facts suggest otherwise. National statistics show that the majority (65 percent) of offenders are sentenced to prison for property, drug, and public disorder crimes. A significant number (15 percent) of all admissions have not been convicted of any crime but are returned to prison for violating their parole "conditions" (e.g., curfew violations, failure to participate in a program, evidence of drug use, etc.).²

Even these statistics distort the reality of who goes to prison. This report, based mostly on lengthy interviews of prisoners in three states, offers a more complete view of these offenders. Our research leads to the following conclusions:

1. The vast majority of inmates are sentenced for petty crimes that pose little danger to public safety or significant economic loss to victims.
2. Although drug use is a frequent activity in their lifestyles, most inmates are not addicted to drugs. Rather they use drugs to maintain a meager, not lavish, level of economic and psychological existence.
3. Although they share the same middle class goal as most Americans—a home, family, and job—they are ill-equipped to maintain a legitimate job for any significant period. Hence they occasionally resort to a disorganized and petty criminal lifestyle.

The central policy question posed by these data is clear. Why does our nation spend such an exorbitant amount of money each year (nearly \$7 billion in 1986) to warehouse petty criminals? Instead of escalating the use of expensive and largely ineffective prison sanctions, alternative options should be launched which will reduce taxpayer costs, increase restitution to victims, and help ensure that these prisoners will not return to a life of petty crime. Specifically we recommend the following:

1. A significant number of these persons should not be sentenced to prison. Alternative sentences of probation, county jail, fines, or restitution would be equally well suited for these persons without jeopardizing public safety.
2. For those who are sentenced to prison, shorter prison terms should be imposed.
3. Correctional agencies should strive to provide vocational training, job training, and basic educational services (as well as drug treatment for those in need) to better prepare offenders for their return to society.

INTRODUCTION: FEAR OF CRIME AND IMAGES OF THE CRIMINAL

The public's fear of street crime has set off an unprecedented imprisonment binge. Its fear was initially aroused by a substantial increase in the major "index" crimes reported to police (homicides, assaults, robberies, thefts, and rapes) between 1966 and 1974. During that period, the crime index doubled but has since leveled off at these new historic levels (Figure 1).³ The public, however, continues to believe that crime is increasing and the fear of crime has remained high.⁴

This is primarily due to the attention politicians and the media give to the crime problem. As suggested in the pamphlet, *It's About Time*:

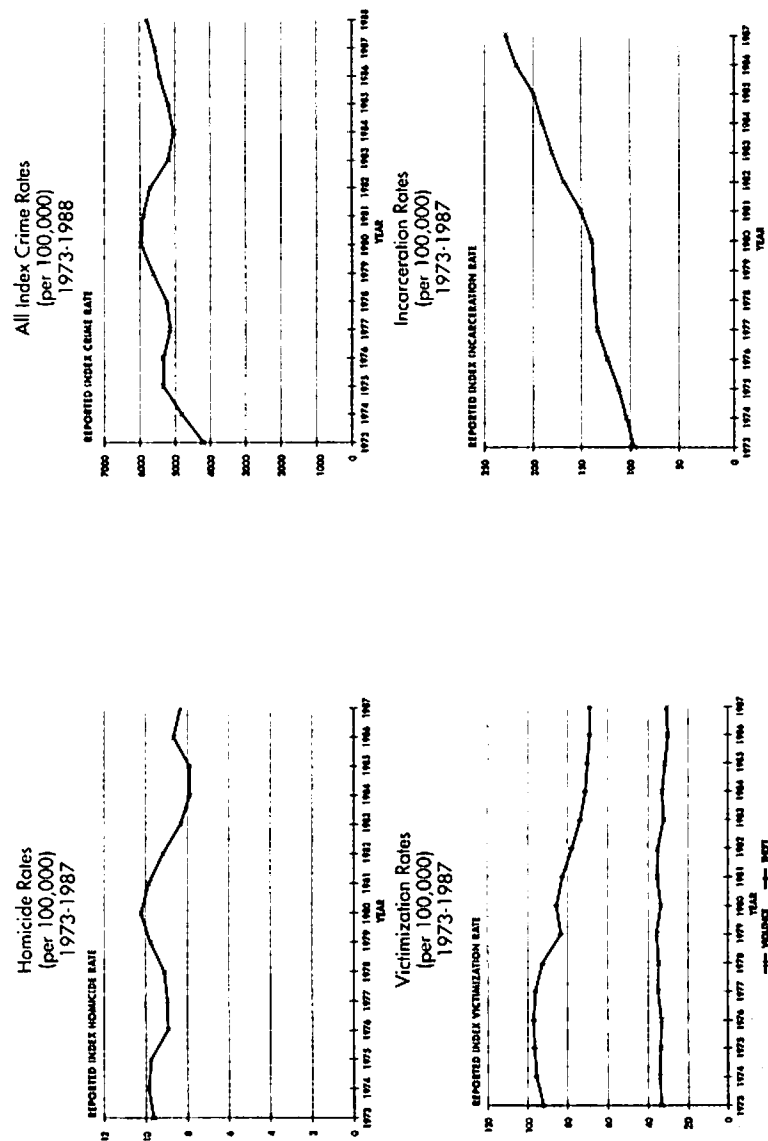
*Politicians harangue [on] the street crime problem because it is a safe issue. It is easy to cast in simple terms of good versus evil and no powerful constituency is directly offended by a campaign against street crime. Some politicians also use street crime to divert attention away from other pressing social problems—such as the threat of nuclear war, unemployment, high living costs and the economy—all of which persistently top the list of public concerns. Measures to solve these problems would require changes that would offend powerful interest groups.*⁵

In their pronouncements about crime, politicians have persistently argued that steady and drastic expansion of prison populations is necessary to reduce rising crime rates. They have been quite successful in achieving their objective. By December 31, 1989 there were over 703,000 prisoners in state and federal prisons. This is more than twice the number incarcerated in 1980.⁶ More alarming is the rate of growth. The prison population grew by 7.3 percent between July and December 1989. If this trend continues the prison system will expand by over 90,000 a year, which means 250 prison cells per day will have to be built (at a cost of \$12.5 million per day) just to keep pace. These figures do not include similar growth rates for America's jails and police lockups, where nearly 400,000 additional prisoners are held.⁷

In effect, we have become more punitive than at any other time in our history. The motivating fear for this punitive surge is a widespread and apparently ineradicable belief that, in spite of unprecedented increases in prison populations and sentence lengths, legislators and courts are soft on crime.⁸ Most citizens do not question the value of prisons in preventing crime or consider that many prisoners are hardened, embittered, socially crippled and converted into more committed and dangerous offenders. Consequently, they appear to accept that the growing prison population is a fair price to pay for protection against crime.

The public reacts to crime with such fear and intensity because it has been led to believe, by the media and public officials, that thousands of vicious, intractable

Figure 1
VARIOUS MEASURES OF U.S. CRIME RATES
1973-1988



street criminals menace innocent citizens. Actually, two slightly different images of the new street criminal are common. A "softer" version is that of a person who persists in committing property crimes, after being given repeated opportunities to live an honest life and after being arrested many times and serving numerous jail and prison sentences. A "harder" version is a violent criminal, equally intractable, who commits predatory crimes with no regard for other human beings. For years, criminologists have debunked the "evil person" theory of crime, and instead related the crime problem to social and economic conditions. But recently, some crime experts have rediscovered theories of the "criminal type," (now most often labelled the "career criminal") and are searching for methods to identify such criminals. As Gottfredson and Hirschi note:

On March 26, 1982, 14 leading members of the criminology community in the United States met in Washington, D.C., to discuss the future of criminal justice research in this country. The priority area for future research listed first by this panel was 'criminal careers'...Four years later, the criminal career notion so dominates discussion of criminal justice policy and so controls expenditure of federal research funds that it may now be said that criminal justice research in this country is indeed centrally planned?

Are the popular images and the social scientists' ideas on contemporary criminals accurate? Most of the popular images of crime and criminals are shaped by the media's depiction of selected extraordinary events (such as the crimes of Willie Horton publicized during the 1988 presidential campaign), by politicians' rhetoric, and by studies of career criminals publicized by the federal government.

In these studies, social scientists have formed most of their ideas in "arm chairs" using evidence that is unreliable and one dimensional—police arrest records, prison files, and convicts' answers on questionnaires. Very few of these criminologists have spent any significant time observing or talking to their subjects, the prisoners. The dry statistical data of their studies are inadequate for understanding offenders' motives and criminal practices.

A STUDY OF WHO GOES TO PRISON

To find out who is actually going to prison, the extent of their criminal involvement, the seriousness of their crimes, and their "dangerousness," we pursued a broad research methodology. In addition to examining statistical data and official records, we conducted lengthy interviews with prison inmates. We sought a more accurate and fuller understanding of who goes to prison.

Our study population consisted of 154 men. They were prisoners randomly selected from the *intake* populations of three states.¹⁰ The states selected for our study were Illinois, a state with a medium rate of incarceration (194 per hundred thousand in 1989), Washington with a low rate (134 per 100,000), and Nevada with a very high rate (475 per 100,000).¹¹ Subjects used in the study were selected from lists of inmates admitted to reception centers during the two weeks prior to the interviews. The names on the intake lists were then separated into the following five categories based on the most serious crime of conviction:

1. Violent crimes (murder, rape, assault, etc.),
2. Robbery (armed and unarmed),
3. Other theft (burglary, larceny, etc.),
4. Drugs (possession and trafficking), and
5. All others.

The sample does not include women or those readmitted to prison for parole violations.¹²

Ten prisoners were drawn for each state, and each of the five offense categories, resulting in a total sample of 154.¹³ Each inmate was informed of the purpose of the interview and told that participation was voluntary. Fewer than five inmates refused to participate. In those instances, the inmate's name was replaced with another name from the same crime category list.

The one- to two-hour interviews covered inmates' social histories, criminal activities during the period before the current arrest, and the circumstances of the arrest. Information gathered from interviews was verified with official records to the extent possible.

HOW SERIOUS ARE INMATES' CRIMES?

To evaluate the seriousness of the crimes in our sample, we carefully examined the data gathered in 1980 by the Center for Studies in Criminology and Criminal Law at the University of Pennsylvania. In the Center's survey of crime severity, a national sample of 52,000 Americans gave a numerical score to a short description of 204 criminal acts.¹⁴ If the acts involved minor injury, the threat of injury, theft over \$1000, use of a weapon, use of heroin, or selling marijuana, they received a score of more than five. We labelled these medium "serious" crimes. If they involved theft of over \$10,000, serious injury, attempted murder, sales of heroin, smuggling narcotics, they received a score of more than 10. We considered these "serious" crimes. If they involved rape, manslaughter, homicide, child victim, or kidnapping, they received a score of more than 15. We

labelled these "very serious" crimes. Crimes that lacked any of these characteristics received a score of less than five. We called these "petty" crimes. Two such acts from the survey are: "A person breaks into a department store and steals merchandise worth \$10," (2.77) and "a person smokes marijuana" (1.42).

We sorted the crimes of our sample into the categories "petty," "medium serious," "serious," and "very serious" according to the characteristics above. Figure 2 summarizes the results of this distribution.¹⁵ As Figure 2 reveals, over half of the crimes of our sample (52.6 percent) fall into the petty category. This finding is consistent with numerous inmate classification studies that have consistently found that the offenses for which inmates are committed to prison are petty, and most admitted inmates (50-70 percent) are classified minimum custody inmates.¹⁶

The distribution on crime seriousness was somewhat different in the three states as shown in Figure 3. Washington, which has the lowest rate of incarceration of the three states, also has the lowest proportion of petty felonies and the highest proportion of serious crimes. This is expected as Washington has sentencing guidelines which purposely restrict the use of prison for non-violent and property crimes.¹⁷ Illinois, which has a medium incarceration rate, differs little from the total sample. Nevada, which has the highest rate of imprisonment in the nation, predictably has the lowest proportion of serious and very serious crimes.

Our research indicates that over half those being sent to prison are there for petty crimes. The following descriptions are typical petty crimes from our sample:

George, a 17-year-old black youth, was arrested for possession of a stolen vehicle. He had been kicked out of school in the 9th grade. Since then he had worked at a couple of jobs—a small soul food restaurant and a small garage fixing cars. He was not working at the time of his most recent arrest. He had been arrested a few times before—once for curfew, another for shoplifting. A couple of months before this arrest, he was arrested for "busting a car window." "A man tried to hit me with his car and I swung at him and broke his window. I got three months supervision." On the current arrest, he was caught inside a car trying to steal the radio. "They said I busted the window, but it weren't locked. He (the policeman) took the screw driver I was using and put it in the lock and said I was stealing the car." He was sentenced to three years.

Jimmy, a 26-year-old black man, dropped out of high school in the tenth grade. He had several unskilled jobs as a teenager, but started getting into trouble when he was 17. After several arrests, he was sent to prison for aggravated assault against a relative. He served three years and then another year and a half for violation of parole. He had been out for two months when he was arrested again. He was living

Figure 2
SEVERITY OF CRIMES COMMITTED BY PERSONS ADMITTED TO PRISON
NATIONAL ESTIMATE

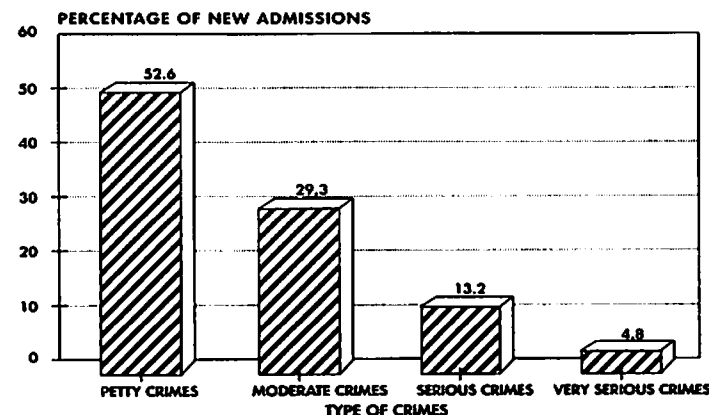
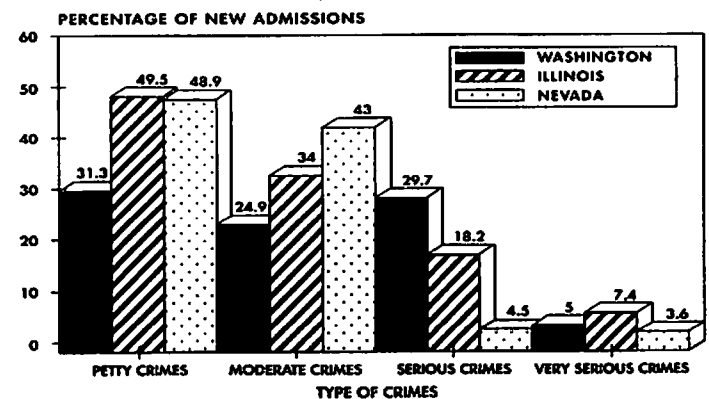


Figure 3
SEVERITY OF CRIMES COMMITTED BY PERSONS ADMITTED TO PRISON
WASHINGTON, ILLINOIS AND NEVADA



with his grandmother, "trying to stay out of trouble." He was not able to find a job and was living on general assistance. He was caught in an abandoned school where he and some other young men were looking for junk metal which they intended to sell for "some loose change." The school had been abandoned for six years and local

people had been stealing from it repeatedly. He received seven years for burglary.

Edmond is a 50-year-old white carpenter who works in Florida in the winter and Seattle in the summer. He had been arrested once 22 years ago for receiving stolen property. He was passing through Las Vegas on his way to Seattle and says he found a billfold with one hundred dollars on a bar where he was drinking and gambling. The owner, who suspected him of taking it, turned him in. He was charged with grand larceny and received three years.

Twenty-nine percent of our sample fell into the medium serious category, but many of these were aggravated because the charges involved possession or sales of heroin or cocaine. Acts in the 1980 national public opinion survey involving heroin had a score of seven or more. We assumed that today cocaine, which was not mentioned in that survey, would be given approximately the same value. However, most of our samples' heroin or cocaine crimes involved only very small amounts of the drugs and if the persons were dealers, they were very "small-fry," as indicated below:

Luis, a 29-year-old Puerto Rican raised in Chicago, had never been arrested before. He had been a member of Latin gangs, but in recent years had less and less contact with them. He used cocaine occasionally and hung around with a lot of cocaine dealers. He was riding with a friend on a motorcycle when the police pulled them over because they were not wearing helmets. The police found a packet of cocaine on his friend and several on the ground around them. He and his friend were charged with possession of cocaine. Luis was sentenced to three years.

Felix had been in trouble on the West Side of Chicago since he was 10. He dropped out of school in the 8th grade and was arrested several times before he was 18. He served three prison terms since then. Now at 26, he was living at home with his mother, "taking little side jobs," and hustling a little. He says he wants "an average job and to go home after it and enjoy life." On this present arrest, he was riding with his girl friend and the police stopped them. They said they had a report that a man and a woman were selling drugs out of a car in that neighborhood. They found one bag of cocaine (.5 gram) on his friend's side of the car and arrested him. He was sentenced to two years.

Robberies were considered at least medium serious because the public, officials, and criminologists invariably view robbery as a serious crime and a violent

crime. However, many actual robberies differ from that stereotype. For example, the following robbery does not seem to fit the violent image of the armed robber.

Darryl, a 21-year-old black man raised on the South Side of Chicago in housing projects dropped out of school in the tenth grade and worked on and off at minimum wage jobs. He has been arrested three times for minor crimes (battery, disorderly conduct, and marijuana) and had no convictions. In this case, he had gone to a neighborhood drug dealer to borrow some money on his girl friend's watch because his "brother was coming to town and I wanted to have some money to do things with him." The dealer offered him \$60, but only gave him \$20, telling him that he would give him \$40 later. Darryl did not see the dealer for two weeks and when he finally encountered him and asked him for the money, the dealer said he didn't have any and offered Darryl drugs. When he showed him the drugs, Darryl saw the watch and grabbed for it. They fought and the drug dealer was "whipping" him. Darryl's brother jumped in and helped him. Then the dealer gave Darryl the watch. Three days later, the police came to his apartment and arrested him for robbery and assault. He was bailed out and later went to a jury trial. The jury found him not guilty on aggravated assault and was hung on the robbery. However, Darryl ran from the court while they were deliberating. He later turned himself in, they set bail at \$150,000 and the public defender talked him into pleading guilty to robbery. He was sentenced to prison for three years.

There were many serious and some very serious crimes in our sample. Two were very serious armed robberies (they involved larger amounts of money and violent threats). There were seven first degree homicides (2.2 percent of the adjusted sample) and three were gang-related.

Parnell, a 20-year-old member of the Disciples, was 15 when he dropped out of school and started hanging around with his neighborhood branch of the Disciples. He never held a job and was arrested around 15 times for activities related to "gang-banging," mostly possession of weapons. He was arrested once for robbery when he was 17. "The guy I was walking with strong-armed some guy. But I wasn't into robbin', just gang-banging." The night of the murder, he and some gang members were at a skating rink, which was often the site of confrontations between rival gangs. His group saw a guy from another gang whom they thought had robbed one of their buddies. They chased him and one of them beat him with a baseball bat. He

died a week later. Parnell was the only one convicted because "I was the only one a witness identified." He received 25 years.

Two homicides occurred during a drug robbery. In two cases, men were convicted of killing their girlfriends. One case involved a 33-year-old Cuban man who had never been in trouble before and who had worked steadily.

"It was an accident. I was fighting with my girlfriend. She bothered me a lot. I had a son with her and she wanted me to leave my wife. We had been drinking and we got into a fight. I hit her with my fist and killed her."

Most of the serious crimes (53 percent) were sex crimes. These ranged from child molestation to rape, and most of these were acts committed against family members or close associates. The other serious crimes were robberies (17 percent), attempted murders (8 percent), manslaughters (12 percent), and drug charges (10 percent). Several of the robberies and drug crimes *do* approach the popular images, that is, they involved larger amounts of money, threats or injuries to victims, or larger amounts of cocaine or heroin.

PATTERNS OF CRIME

Part of the public and official imagery is that many street criminals are "career criminals" or "high-rate offenders," who, if free, will commit many felonies. Many public officials and some criminologists have recommended that these high-rate offenders be "incapacitated" through long prison terms.

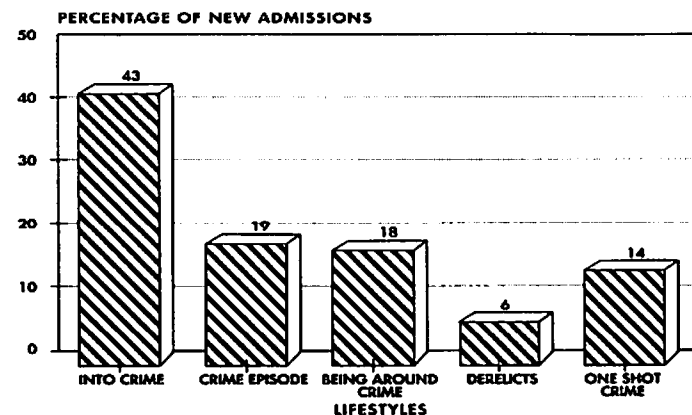
To pursue the goal of specific incapacitation, legislators have passed laws to extend sentences, prosecutors have recommended longer sentences, and judges have granted longer sentences, citing the perceived need to confine high-rate offenders.

To test the validity of the "career criminal" viewpoint, we focused on patterns of offending among our surveyed convicts. Five distinct crime patterns were discovered: into crime, crime episode, one-shot crime, being around crime, and dereliction. Figure 4 shows the proportion of prison admissions that fell into these categories.

Into Crime

Persons "into crime" call themselves thieves, hustlers, dope fiends, or gang-bangers—identities within the specific criminal subculture. Also, they pursue criminal behavior consistent with these identities and criminal systems—that is, they

Figure 4
CRIMINAL LIFESTYLES FOR
NEWLY ADMITTED PRISONERS



attempt to steal large amounts of money through burglaries and robberies; or they "hustle" on the streets making money any way they can; or they maintain drug habits by selling drugs and stealing; or they hang out with their "homeboys," wearing gang colors, stealing, and fighting with rival gangs.

Donald started using heroin and cocaine when he was 19. He was convicted of burglary when he was 25 and served six months in the county jail. At 29, he was convicted of possession of drugs and received a year in the state prison. Upon release, he was arrested again for burglary and served 4 years. He says he did not want to go back to drugs, but he met a friend right after getting out of prison and got high with him. He says he was quickly addicted and stealing again. He says he was pulling one or two burglaries a day. He could not sell drugs because the police knew him too well. In his last arrest, he was caught trying to pry open a door of a construction business and was convicted on two counts of attempted burglary. At 33 he says he wants to stop using drugs, but he doesn't know how. He says he is getting tired.

Since they committed crimes regularly, it is accurate to view 43 percent of our sample who were "into crime" as high-rate offenders. Of these high rate offenders, more than half (57 percent) had served a prior prison sentence and 32 percent had served a juvenile sentence. However, most of the active offenders (59 percent) were convicted of petty crimes. All of our data strongly suggests that instead of being

vicious predators, those "into crime" were highly disorganized, unskilled and undisciplined petty criminals who very seldom engaged in violence. They rarely made any significant amount of money from their criminal acts.

Crime Episode

Twenty-one percent of the sample had engaged in a crime episode or spree. Many of them had committed crimes in some earlier period, some had even been "into crime." Unlike the "into crime" group, these offenders had less severe histories of prior incarcerations either as adults (33 percent had a prior prison term) or as juveniles (26 percent had a prior juvenile incarceration). But for an extended period, perhaps after a jail or prison sentence, they had lived a relatively conventional life.

Richard was one of the few black students in his high school in Montana and the star football player. He was also selling drugs. "I scored five touchdowns on Friday and was busted on Monday. I was hanging around white kids trying to prove myself. They wouldn't let me play football after that." His father put him out of the house, so he left for Oklahoma with some friends. He returned to Montana, but couldn't find a job. He began hanging around some black guys who were "going to discos and being cool." He was arrested for a house burglary and received two years probation. He went to California with a friend who was in the Air Force. He joined the Army, got married and had two children. He broke up with his wife before he was discharged from the Army. He stayed in Fort Lewis, Washington, and worked part-time in construction. He lived across the street from a corner where drugs were being sold. "One night I walked over there and a guy asked me if I wanted to make some money. So I started selling drugs. I sold to the police. They wanted me to set up my supplier, so I went back to the corner, but the word had got out, so the other dealers told me to get out of town." He went back his wife in California. They both used cocaine heavily. He turned himself into a drug program, but she continued to use cocaine. He went back to the house, found her in bed with another man. He kicked out the other man and took his son. He was charged with kidnapping his child and served two years in a California prison. He was transferred to Washington upon release and charged with unlawful delivery of drugs for the earlier arrest. He received a 15-month sentence.

Being Around Crime

Eighteen percent of our sample consisted of "corner boys," men who were raised and lived in lower class urban neighborhoods in which street crime is a

prominent feature. Many in these neighborhoods, particularly many young males, regularly commit crimes. Most other young men, though they avoid regular participation in crime, accept it as a normal feature of life around them. Many of these men, though they avoid regular involvement in crime, are at risk of being arrested because they spend many hours on the streets. Police who regularly patrol these neighborhoods looking for street criminals often arrest these street corner men. Also, when confronted by police, corner boys frequently exhibit "macho" behavior that provokes hostile reactions from the police. Finally, they are often around crimes committed by friends or relatives, and, under special circumstances may be drawn into the commission of a crime. Once arrested, their corner boy identity makes it very likely that police, prosecutors, and judges will treat them as career criminals. Sixty-eight percent of our corner boys were convicted of petty crimes. A minority of these had been previously incarcerated as adults (8 percent) or as juveniles (15 percent). The cases of Darryl and Richard described in the section of crime seriousness are examples of this pattern. The following is another example.

Eddie is a 32-year-old black man raised in Little Rock, Arkansas. His mother raised the family of six children in a housing project. She worked as a cook in a Ramada Inn. He quit school in the 9th grade and also went to work at the Ramada Inn. He was employed there for seven years, and had been promoted from busboy to cook. He got married in Little Rock to a woman with a daughter. They moved to Seattle where he worked at several jobs. His last job was supervising a janitorial crew in a Federal building. Years before, the police had arrested him in an apartment he managed. The charge was dismissed. This was his only prior arrest. In Seattle he spent a lot of time playing basketball. He was on a team sponsored by the Mormons. He was the top player and scored 36 points one game. He started hanging around one of the other players who was using a lot of cocaine. Eddie says he took this guy under his wing and started using cocaine with him. His wife objected to this so Eddie stopped. He says he was trying to get his friend to stop too. One night he took his friend home to collect some money from his roommate. Eddie stayed in the car. The friend and the roommate got into a fight over the money, and the friend stabbed his roommate. The roommate accused both of them of robbing him and Eddie was arrested for robbery. He was released on his own recognizance, but after a week the supervisor said she did not want to supervise him. He was held in the county jail for five months and finally pleaded guilty. The public defender told him that since he had admitted being at the scene he would not be able to win a trial. "I decided I was going to go ahead and get it over with and get on with my life." He received five years for robbery.

Dereliction

Four percent of our sample had completely lost the capacity to live in organized society. Some of them had teetered on the edge of physical existence. All of them had been incarcerated extensively in early life, and most used drugs and alcohol. Though they tried to avoid committing serious crimes (to avoid returning to prison), they occasionally robbed, burgled, or committed some other felony and were arrested. Their crimes were invariably very petty, however, their disreputability and former arrest records resulted in their imprisonment. This group had the highest prior prison record (91 percent) with 71 percent incarcerated as juveniles. The following is one example of this pathetic lifestyle:

Charles and his three sisters were raised by his mother, a nurse, on the South side of Chicago. He "got to drinking and smoking reefer at about ten." He hung around with the "bad kids" and didn't go to school. He started getting into trouble with the police and then "they started harassing me." He was in a small, local gang and got into a lot of fights. Later he joined the "Gangster Disciples," a splinter of the Disciples. He has never had a steady job. He was arrested when he was 16 for truancy and sent to a boy's school. He ran away and was sent to another youth institution. When he was 17, he was arrested for robbery and was sent to Stateville for 1 1/2 years. When he was 22, he was convicted of another robbery and sent back to prison for five years. For the last five years, he has been a derelict. He stays high or drunk most of the time. "I been stealing petty things, anything you can take from a store. I quit robbery. Made a believer out of me. I been 'carrying a stick' (no residence and sleeping anywhere he could)." Some days before this arrest, he went to the house of a girlfriend and a man came to the door. "I asked him for my girlfriend and he said 'f—k you punk.' I went to his car and hit it with a water-meter cover I picked up off the street. He came after me with a hatchet and hit me in the head. I went to the hospital and when I got out I went over and smashed his car. Then a week later, I started a fire in a old building next to his house. My old girl friend told them who did it. I was drunk at the time." He received four years for attempted arson.

One-Shot Crime

Fourteen percent of our sample had never been involved in serious crime before the current arrest. Something about the crime—its seriousness or having a mandatory sentence—resulted in a prison sentence. As expected, this group has very low rates of prior incarceration as adults (26 percent) or as juveniles (12 percent). The following is an example of these crimes.

Donald was raised on a farm in Iowa. Two years after graduating from high school, he went into business for himself, leasing live stock. At 30, he changed businesses and has been selling mobile home running gear ever since. He was married for 10 years, but separated five years ago. He had been arrested for failure to pay child support, but nothing else. He drank heavily in the last year of his marriage, but has just about quit drinking. Now all he does is "work my ass off in my business. I have been working seven days a week. Most of the time I am on the road with two helpers, delivering mobile home running gear." Three years ago, he and two employees were making a delivery with a large truck and trailer. After dinner, they picked up a six-pack and a little later they stopped on the side of the road in a rural area of Illinois to urinate. He and one of the employees got back into the cab of the truck. He says he thought the other employee, a 16-year old (who had told Donald he was 18) was also in the cab, but he wasn't and was run over by the truck when Donald pulled out onto the highway. "He might have been trying to get on the trailer and fell under the wheels." They accused him of being drunk though he says he only had a couple of beers. "They never ran a test on me and the officer who arrested me testified that I didn't have alcohol on my breath. Donald was convicted of reckless homicide and sent to prison for one year.

C ONCLUSION

Our research suggests that most people sent to prison today are very different than the specter of "Willie Horton" that fuels the public's fear of crime. Most crimes are much pettier than the popular images promoted by those who sensationalize the crime issue. More than half of those sent to prison committed crimes that lacked any of the features that the public believes comprise a serious offense.

Other recent research supports our findings. The original RAND studies on career criminals that greatly influenced the current imprisonment binge actually found that the vast majority of newly admitted inmates were "low rate" offenders involved in petty crimes. When these same researchers studied people they labeled as "high-rate" and "predatory offenders," their findings were similar to ours—that most in this group committed very unskilled, and unprofitable crimes. As Greenwood and Turner note, many high-rate "offenders appeared to have taken foolish risks for very modest potential gains."¹⁸

Our study revealed that the popular perception of criminal careers is also a distortion of reality. The data suggest that the majority (58 percent) of those admitted to prison were not following criminal careers. Although 42 percent were "into crime," most of these (60 percent) were sent to prison for petty crimes and their dedication to criminal behavior did not appear to be as firm as the popular imagery. In fact, the majority of high rate offenders, as well as the majority of those in other crime patterns, indicated to us that they wanted to stop violating the law, and were preparing themselves in prison for conventional careers. For example:

"I want to go to school and get a trade. Then when I get out I want to have my kids with me, have a good job so I can support them. I want to get the drugs out of my life." (A 28-year-old, black drug addict convicted of armed robbery and episodically involved in crime.)

"I going to go to school and get a job. I'm going to try to get into electronics. I want a job I won't get laid off on. As long as I have a job, I don't get into trouble. When I get laid off, I get into trouble." (An 18-year-old corner boy who was around crime and was convicted of possession of cocaine with the intent to deliver.)

These statements indicate that the conception of a desirable conventional life were very modest. As Greenwood and Turner observed:

A much larger proportion of [career criminals] are not particularly successful at crime, but they periodically return to it because they are not good at anything else.¹⁹

Instead of a large, menacing hoard of dangerous, committed criminals, our cities contain a growing number of young men, mostly non-white, who become involved in unskilled, petty crime due to limited avenues to a viable, satisfying conventional life. The majority (65 percent) of our arrest sample had not finished high school, 64 percent had no job skills, over half had never been employed steadily, and 56 percent were not working at the time of arrest.

This general finding holds for all but a small percent of our sample. There were some persons who appeared to be committed to crime in spite of other options. In addition, a few were guilty of very serious crimes. However, the overall picture is one quite different than the distorted popular images which have supported our imprisonment binge.

In 1987, the Bureau of Justice Statistics reported that a national survey of 1,920 U.S. residents showed 71 percent of respondents said a prison sentence was the most suitable penalty for a group of 24 specific crime scenarios, including rape, robbery, assault, burglary, theft, property damage, drunk driving and drug offenses. The report suggested that "the public wants long prison sentences for most crimes."

The scenarios, however, did not reflect the reality of crime and imprisonment in America. For example, in the robbery scenario, \$1,000 was taken, the offender brandished a gun and the victim was hospitalized. Our study found that less than 5 percent of the people sent to prison committed a crime of this seriousness.²⁰ Would the majority of citizens recommend imprisonment for most of the people sent to prison if they knew more about the offenders' crimes and life circumstances?²¹ But these options will not receive public support unless a more balanced picture of who is sent to prison is presented by officials.

Stanley Brubaker in a widely disseminated article titled "In Praise of Punishment," predictably uses the sensationalized and clearly atypical cases of Willie Horton and John Mack (former Congressman Jim Wright's aide) to justify a seemingly never ending increased use of punishment by the state.²² Simply stated, he claims unless criminals "get what they deserve" our society will crumble. But does it make sense to sentence minor drug users or petty criminals who are non-violent and have stolen less than a hundred dollars, to years of imprisonment? The question is not whether to punish but rather to punish in proportion to the harm inflicted upon society.

FOOTNOTES

1. As quoted by Pete Hamill in response to the highly publicized assault and rape of a white female jogger by a gang of black youth in "T. Without Sympathy," *Esquire*, December 1989, p. 60.

2. Prison Admission and Releases, 1983, U.S. Department of Justice, Bureau of Justice Statistics, March, 1986.

3. We present three measures of crime rates in order to convey the most accurate picture of actual changes in "index crime" over the last 28 years. The Uniform Crime Report consists of crimes reported to law enforcement agencies who in turn submit their data to the FBI. The index crime rate is expressed as crimes reported per 100,000 population and is represented in the top chart in Figure 1. The index is believed to be influenced by variations in reporting, both by individuals and police units, and is therefore somewhat unreliable. There has probably been a steady increase in the tendency to report crimes, which would produce an increase in the measured rate apart from any real increase in crime. The reported homicide rates are believed to be a more reliable measure for obvious reasons, but fails to address changes in other forms of criminal behavior. The third measure of crime comes from the U.S. Department of Justice's annual survey of households conducted by the U.S. Census. This survey is based on a nationally representative sample of U.S. households. Its results are somewhat distorted because many segments of the population are under-represented in the sampling, and, it excludes drug crimes. And, as indicated in Figure 1, its findings show a stable rate of crime from 1975 through 1981 followed by a dip for property crimes through 1986 and flat rate thereafter. Crimes of violence have not declined at all despite a 150 percent increase in the use of imprisonment. However, the combination of the three measures gives a better sense of actual changes in index crime rates. While there are discrepancies among the three measures, there is a consensus that crime increased significantly between 1966 and 1974, and has not increased or declined significantly thereafter.

4. In a recent public opinion survey conducted in Ohio, 86 percent of the respondents said the following was true: "The crime rate has been going up steadily for the past 10 years." (Jeffrey J. Knowles, "Ohio Citizen Attitudes Concerning Crime and Criminal Justice," Columbus, Ohio: Governor's Office of Criminal Justice Services, 1987.) A similar question posed to Californians found that 82 percent incorrectly stated that juvenile crime has been increasing during the past five years when in fact it has declined (David Steinhart, "Public Attitudes on Youth Crime," *NCCD Focus*, December 1988).

5. John Irwin and James Austin, *It's About Time* (San Francisco: NCCD, 1987).

6. *Prisoners in 1989*, U.S. Department of Justice, Bureau of Justice Statistics, May 1990.

7. NCCD now projects that under current criminal justice policies, the nation's prison population will reach 1.1 million by 1994. See James Austin and Aaron McVey, "The 1989 NCCD Prison Population Forecast: The impact of the War on Drugs," *NCCD Focus* (December 1989).

8. In 1981, a Gallop poll showed that 70 percent of Americans had no confidence in the Court's ability to sentence and convict criminals. More recently, a study in Alabama revealed the same lack of confidence in the courts and 69 percent of those surveyed agreed that Alabama needs more prisons (John Doble and Josh Klein, *Punishing Criminals, the Public's View*, New York: The Edna McConnell Clark Foundation, 1989).

9. Michael Gottfredson and Travis Hirschi, "The True Value of Lambda Would Appear to be Zero: An Essay on Career Criminals, Criminal Careers, Selective Incapacitation, Cohort Studies, and Related Topics," *Criminology*, 24, 2, (1986), p. 213.

10. Most studies of prison populations, such as the survey conducted every five years by the Bureau of Justice Statistics, look at who is in prison at a particular time. This methodology provides a very distorted picture because prisoners who receive long sentences (usually for more serious crimes), stack up in the prison population and are over-represented in one-day surveys. For example, in the 1985, violent crimes made up 35 percent of admissions to all prisons and 55 percent of the 1986 daily population as counted in those years' surveys. (Bureau of Justice Statistics, 1985 and 1986. [These are the last two years for which the Bureau of Justice has these statistics.]

11. The national rate of incarceration in 1989 was 271 per 100,000 (*Prisoners in 1989*, U.S. Department of Justice, Bureau of Justice Statistics, May 1990).

12. The latter group is particularly significant as national data show that nearly one of three of the 300,000 national prison admissions are people who were not convicted of a new felony crime but violated the terms of their parole. In most cases such violations are for misdemeanor crimes, failure to appear for office visits with parole agents or failure to attend a prescribed treatment program. By excluding these cases from the analysis, the sample becomes skewed toward more severe crimes.

13. Each state prison was visited twice and 25 inmates were selected each time. This was done to spread the sampling over a longer time period to avoid any peculiar skewing of the samples by temporal variables.

14. The Center actually reduced the geometric means of the scores assigned by the respondents to "ratio" scores. These ratio scores are the scores we refer to here. Marvin E. Wolfgang, Robert Figlio, and Paul Tracy, "The Seriousness of Crime: The Results of a National Survey," Center for Studies in Criminology and Criminal Law, University of Pennsylvania, 1978.

15. In this figure we have adjusted our stratified sample so that they reflect national estimates of offense distributions as reported by the U.S. Department of Justice. It will be recalled that our original samples were stratified so that each crime category had an equivalent number of prisoners to be interviewed.

Given that the vast majority of prison admissions are convicted of property and, increasingly, drug crimes, our samples had disproportionate numbers of violent crimes and robberies and needed to be statistically adjusted to reflect a true intake population.

16. See Christopher Baird, *Assessment of the Florida Prison Classification System* (San Francisco: NCCD, 1989); James Austin "Assessing the New Generation of Prison Classification Models," *Crime and Delinquency*, (October 1986) pp. 561-576; Christopher Baird and James Austin, *Current State of the Art in Prison Classification Models: A Literature Review for the California Department of Corrections* (San Francisco: NCCD, 1985).

17. When we adjusted the total sample, we used the national data on percentages of the different crime categories. For these state distributions, we adjusted our samples according to each state's offense distribution. Consequently, comparisons between the national estimates and the state specific estimates are somewhat inconsistent. For example, none of the three states have as high a percent of petty crimes as the total sample. This slight discrepancy is simply the result of the three states' intake offense distribution being inconsistent with the national offense intake distribution.

18. Peter Greenwood and Susan Turner, *Selective Incapacitation Revisited: Why High-Rate Offenders are Hard to Predict* (Los Angeles: Rand Corporation, 1987).

19. Greenwood and Turner, p. 36.

20. Press release from the Department of Justice, Bureau of Justice Statistics, November 8, 1987. An earlier BJS study discovered that the median loss in a robbery was \$195 and that three-fourths of all robberies involved less than \$700. See J. Frederick Shenk and Patsy A. Klaus, *The Economic Cost of Crime to Victims, Special Report*, (Bureau of Justice Statistics, 1984).

21. Other studies have shown that when respondents are given scenarios that are closer to the actual crimes of most people sent to prison, the majority recommend some punishment other than imprisonment. See Jeffrey J. Knowles, "Ohio Citizen Attitudes Concerning Crime and Criminal Justice," State of Ohio Governor's Office of Criminal Justice Services (1987); and John Doble and Josh Klein, *Punishing Criminals, The Public's View, An Alabama Survey* (New York: Edna McConnell Clark Foundation, 1989).

22. Stanley C. Brubaker, "In Praise of Punishment," *The Public Interest*, 97, (Fall 1989): pp. 44-55.

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This publication is supported by a generous grant from the Edna McConnell Clark Foundation.

Editor: Frances Terry

Design: Rosa Lane
