

# N C C D FOCUS



THE NATIONAL COUNCIL ON CRIME  
AND DELINQUENCY

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## AMERICA'S GROWING CORRECTIONAL-INDUSTRIAL COMPLEX

By James Austin, Ph.D.  
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### HIGHLIGHTS

In 1982, Barry Krisberg and I authored an article titled the "Unmet Promise of Alternatives To Prison."<sup>1</sup> That publication reviewed all of the major studies of alternatives to incarceration and reached the conclusion that the vast majority of these programs had failed to divert substantial numbers of prison-bound offenders into alternative sanctions. In fact, the published research showed that alternatives actually served to extend the control of criminal justice to other segments of our society. The intention of that critique was to encourage criminal justice agencies to re-examine their methods for selecting offenders for alternative programs and not discourage the use of alternative sanctions. The available research also showed that offenders now being sent to prison could be diverted to non-prison sanctions without any increased risk to public safety and at considerable cost savings.<sup>2</sup>

Since then, there has been considerable focus on what we have coined as "America's imprisonment binge."<sup>3</sup> The claim that we have embarked upon such a binge is beyond dispute. The prison population has more than doubled from 329,821 in 1980, to 703,687 at the close of 1989 (an increase of 113.4 percent).<sup>4</sup> NCCD's own forecast of 12 states shows that under the criminal justice policies in effect in 1989, the nation's prison population will increase to over 1.1 million inmates by 1994.<sup>5</sup>

The unprecedented growth in the prison population has led many to argue that courts are using alternative sanctions less and legislatures are reducing the pool of offenders eligible for "intermediate punishments." Advocates of intermediate punishments frequently assume that prison crowding has occurred because fewer offenders are being sentenced to intermediate sanctions and are instead sentenced to prison for longer periods of time.

The purposes of this FOCUS are to re-examine national trends in correctional population growth since 1980 and to assess the extent to which intermediate sanctions have been used during the past decade. This analysis finds that despite a flurry of legislative actions designed to increase prison terms, the use of sentencing alternatives as measured by rising probation and parole populations, has expanded as fast, if not faster, than prisons. Consequently, the historic rise in prison populations can not be attributed only to a failure by the courts to use alternative sanctions. Rather, we are witnessing a dramatic increase in the use of all forms of correctional supervision for a growing proportion of defendants brought before the court.

By 1988, one out of every fifty adult Americans was under some form of correctional supervision. This is twice the rate of correctional control that existed in 1980. The dramatic increase in the use of correctional control is neither explained by higher crime rates nor arrests, both of which grew by only 5

percent between 1980 and 1988. Rather, it appears that prosecutors and the courts have become far more efficient in securing guilty pleas that produce greater numbers of convictions. And, as more convictions are achieved, especially for drug offenders, the use and costs of all forms of correctional control also escalated to historic levels.

Yet there may be even more profound sociological reasons for what I am calling the rise in correctional industrial complex (prisons, parole, probation, and jail). Significantly, the rise in correctional populations and their associated costs have come at a time when the U.S. is witnessing fundamental shifts in the socio-economic structure of its society--shifts that are known to be related to crime rates.<sup>6</sup> The past decade has witnessed an escalating level of poverty, a re-distribution of wealth from the lower and middle classes to the upper class, and economic stagnation for the middle class. More young adults and their children are growing up in poverty or near poverty level conditions.

Given these socio-economic trends it should come as no surprise that there has been no decline in crime despite a massive increase in the use of correctional sanctions. Unless the nation addresses these fundamental socio-economic issues and their consequences for the next generation of children, we will continue to experience more government intervention at a greater social and economic price.

## THE GROWING CORRECTIONAL-INDUSTRIAL COMPLEX

While many observers have focused on the rise in prison populations, few have paid attention to the larger increases occurring in other forms of correctional supervision. Between 1980 and 1988, the probation and jail populations, which typically house pretrial defendants and offenders sentenced to short jail terms of one year or less, actually grew faster (111 and 110 percent respectively) than prison (90 percent) or parole (85 percent) populations (Figure 1). Table 1 shows that the probation population has not only more than doubled, but remains the dominant form of correctional supervision with over 2.3 million adults on probation on any given day in 1988.

It should also be added that not only has the use of jail increased as fast as probation, but also that it remains the form of correctional intervention experienced by most Americans. In 1988, the U.S. Department of Justice reported that over 9.7 million admissions occurred in the nation's 3,300 plus jails.<sup>7</sup> Assuming that approximately 75 percent of the 9.7 million admissions represent mutually exclusive adults, this means that nearly one out of every twenty five adults in America go to jail each year.<sup>8</sup>

The fact that probation grew faster than any other form of correctional control conflicts with claims that alternatives to incarceration are not being used. Moreover, the growth in probation and jails also counters arguments by pro-incarceration advocates that increases in the prison population produced declines in crime rates. Not only has the U.S. crime rate remained high, but one could also argue that the crime reductions achieved thus far could be associated by the greater use of probation or short-term confinement via the jail and not only by a greater use of prison.

Between 1980 and 1985, victimization rates as measured by the proportion of households reporting being victimized by at least one of seven crimes (rape, robbery, assault, personal theft, household theft, burglary, and motor vehicle theft) declined five percent from 30 percent to 25 percent. Since 1985, victimization

rates have remained stable despite dramatic increases in correctional populations. It must be noted that these victimization rates only pertain to U.S. households, do not measure drug use or drug sale crimes, and do not include victimizations of people not living in households (the homeless). Furthermore, the proportion of households reporting at least one violent crime declined by six tenths of one percent from 5.5 percent to only 4.9 percent between 1980 and 1989. Since 1985, the violent crime rate has not been reduced. The FBI has already announced that reported violent crime was up 10 percent in 1990. If there was a public safety benefit to incarceration and other forms of correctional control, it has apparently run its course.<sup>9</sup>

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What are the factors underpinning these dramatic increases in correctional control? As shown in Table 1, the increases cannot be explained by a rising adult population, which grew by only 12 percent, or reported crimes which grew by only four percent. Arrests grew at a substantial level (39 percent increase), but that figure alone does not explain the doubling of the correctional populations.

One explanation is that the criminal justice system has become far more efficient in processing criminal cases. More specifically, the courts have been able to achieve more convictions through more vigorous prosecutions and guilty plea negotiations in a far greater proportion of cases.

Although reliable national court data for the past decade do not exist, one can look at California, a state that has significantly expanded its use of correctional sanctions and has reliable court processing data

over the past decade. Between 1980 and 1989, California, like the nation, reported a marginal (7 percent) increase in reported crime and a higher (39 percent) increase in adult arrests.<sup>10</sup> However, felony arrests increased by 82 percent, whereas misdemeanor arrests increased by only 25 percent. By far, the major reason for the increase in felony arrests was a 184 percent increase in felony drug arrests. During the same period, there was a 67 percent increase in felony court filings, and a 123 percent increase in Superior Court convictions.

A far greater number of adult arrests in California were defined as felony crimes (especially drug crimes) which have been channeled through California's Superior Courts where the rates of dismissals and acquittals were quite low (less than five percent) and sentences to probation, prison, and jail were quite frequent. Moreover, in California, defendants charged with felony drug crimes are allowed to plea bargain their cases with the courts, unlike crimes of violence. Consequently, plea bargaining may also be increasing in a greater proportion of cases.<sup>11</sup>

## WHO IS BEING CONTROLLED?

Those under the control of corrections do not represent a cross section of the nation's population. They tend to be young males who are uneducated, without jobs or at best marginally employed in low paying jobs. They also tend to be Black and Hispanic.

Earlier this year, The Sentencing Project issued a report showing the disproportionate number of minorities being held under the control of the correctional system at any given time. Their analysis, based on the average daily populations of those in prison, parole, probation, and jail showed the following:

- Almost one in four (23 percent) Black men in the age group 20-29 is either in prison, jail, probation, or parole on any given day;
- Over one out of every ten Hispanic men (10.4 percent) in the same age group is either in prison, jail, probation, or parole on any given day;

FIGURE 1  
CORRECTIONAL POPULATIONS  
PERCENT CHANGE 1980 - 1988

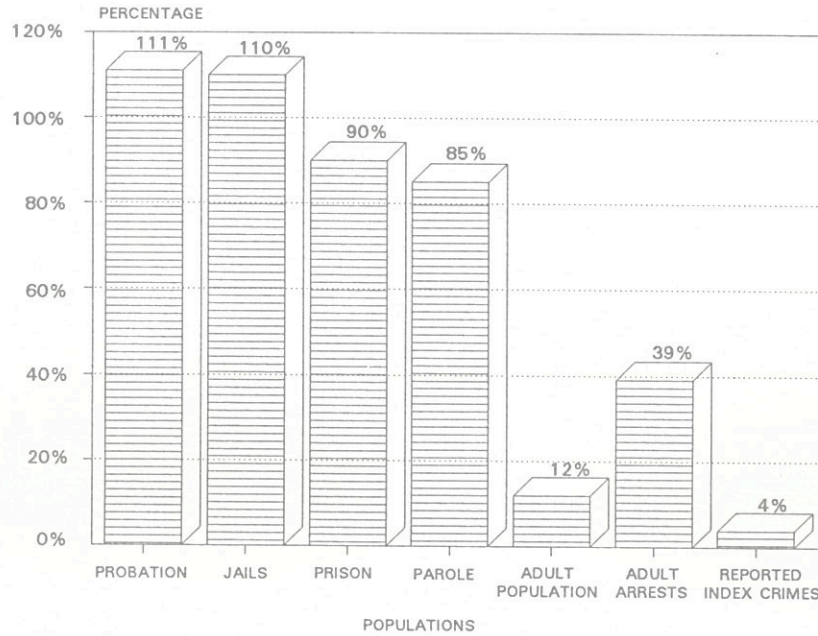


Table 1  
CORRECTION POPULATIONS  
PERCENT CHANGE 1980 - 1988

	1980	1988	% Change
Probation	1,118,097	2,356,483	111%
Jails	163,994	343,569	110%
Prison	329,821	627,588	90%
Parole	220,438	407,977	85%
Totals	1,832,350	3,735,617	104%
Adult Population	162.8 million	182.6 million	12%
Adult Arrests	6.1 million	8.5 million	39%
Reported Index Crimes	13.4 million	13.9 million	4%

Sources: Historical Corrections Statistics in the United States, 1850-1984, U.S. Department of Justice, Bureau of Justice Statistics  
Uniform Crime Reports: Crime in the United States, 1980 and 1988, U.S. Department of Justice, Federal Bureau of Investigation  
Statistical Abstract of the United States, 1989, U.S. Department of Commerce, Bureau of the Census  
Census of Local Jails, 1988, U.S. Department of Justice, Bureau of Justice Statistics  
Prisoners in 1989, U.S. Department of Justice, Bureau of Justice Statistics  
Sourcebook of Criminal Justice Statistics, 1988, U.S. Department of Justice, Bureau of Justice Statistics

- For white men the ratio is considerably lower—one in 16 (or 6.2 percent);
- The number of young Black men under control of the criminal justice system (609,690) is greater than the total number of Black men of all ages enrolled in college as of 1986 (436,000).<sup>12</sup>

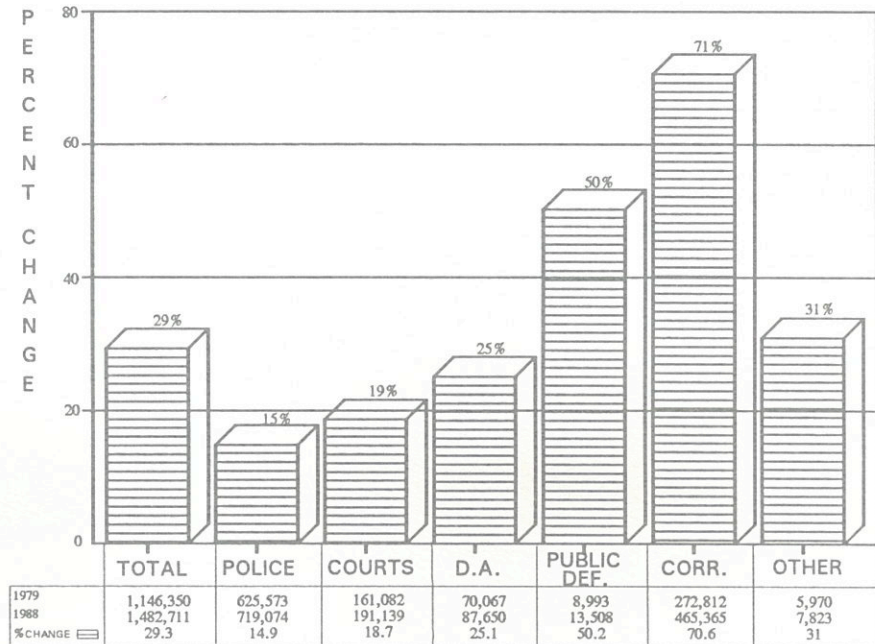
**RISING CORRECTIONAL EXPENDITURES**

As one might expect, the growth of corrections during the 1980s has also fueled dramatic increases in government spending. According to the U.S. Department of Justice, federal, state, and local governments spent over \$61 billion in fiscal year 1988 for civil and criminal justice services. Presently, there are 1.6 million persons employed by the criminal justice system with 483,000 employed in corrections. Figure 2 shows personnel growth trends for the different components of state and local criminal justice systems. Whereas the total number of full and part-time criminal justice staff increased by 29 percent, the largest growing segment was corrections which grew by 71 percent.

Spending levels have grown at even a faster pace. Between 1979 and 1988, total expenditures for state and local corrections grew from \$22.6 billion to \$26 billion. As measured by per capita spending, corrections far outstripped the other areas of criminal justice increasing by 217 percent compared to an overall increase of 134 percent (see Figure 3).

There is little reason to believe these trends will soon subside. The National Conference of State Legislators (NCSL) projects an increase in state spending for corrections of 13.9 percent in FY 1990 and 11.2 percent for FY 1991. The NCSL also reports that these rates of increase are twice the levels of inflation and far outstrip increases for health care, education, transportation, and welfare. Between 1980 and 1988, state spending per \$100 of personal income for corrections increased faster than any other spending category (see Table 2). Although corrections spending still lags well below most state spending

**FIGURE 2  
PERCENT CHANGES IN THE NUMBER  
OF CRIMINAL JUSTICE EMPLOYEES**



Source: Bureau of Justice Statistics Bulletin

Although corrections spending still lags well below most state spending categories, the rate of growth is escalating while spending for other vital state services is either stagnant or declining.

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**RELATED SOCIAL AND ECONOMIC TRENDS**

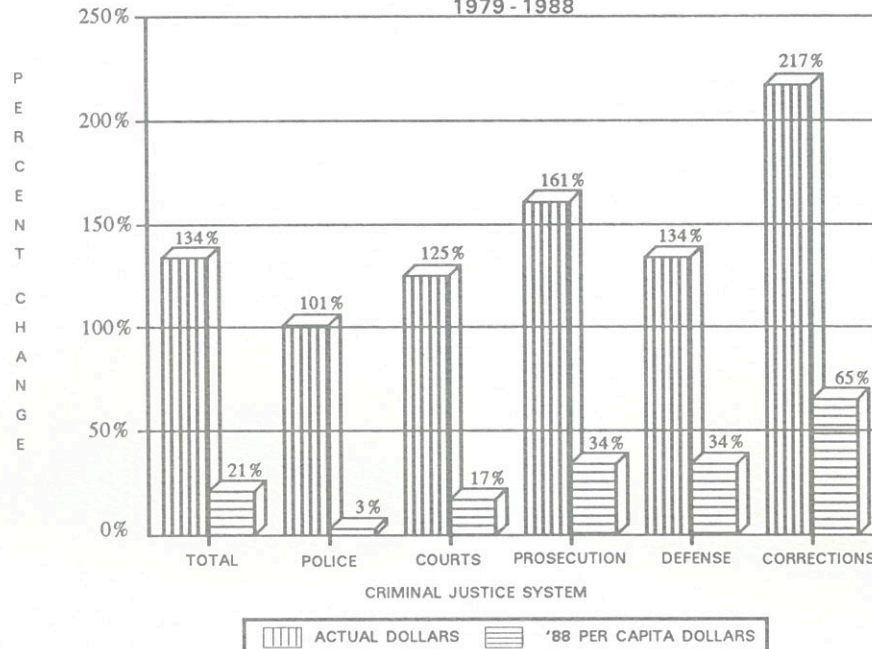
Few would argue that the principal clients of the criminal justice system are those who occupy the lower economic strata of our society. Offenders and victims have always tended to be young, male, Hispanic and Black, illiterate, and unemployed. These attributes are not the "causes" of crime, but rather, increase

the probabilities that they will become involved in criminal activities. Consequently, as the number of persons who experience severe economic and social conditions increase, we can expect further increases in crime.

The social and economic trends presented below offer little reason for optimism for the future, in terms of reducing our crime rate or in reducing the size and costs of corrections.<sup>14</sup>

- Between 1980 and 1988 the number of persons living in poverty increased from 26 million to 32 million (23 percent increase);
- There are 12.5 million children living in poverty or nearly one out of every five children;
- For minority children the figures are even more desperate with one out of every two Black children and one out of every three Hispanic children living in poverty;
- The number of single parent families, predominately headed by females, increased from 22 percent in 1980 to 27 percent by 1987;

FIGURE 3  
 PERCENT CHANGES IN DIRECT GOVERNMENT AND  
 1988 PER CAPITA EXPENDITURES \*  
 FOR THE CRIMINAL JUSTICE SYSTEM  
 1979 - 1988



\*Per Capita Expenditures are calculated in 1988 constant dollars. Source: Bureau of Justice Statistics Bulletin, "Justice Expenditure and Employment, 1988," Washington, D.C.: U.S. Department of Justice (July 1990).

Table 2  
 TRENDS IN STATE SPENDING\*  
 1980 - 1988

Spending Category	1980	1988	%Change
Corrections	\$.22	\$.35	+59%
Medicaid	.45	.60	+33%
Health and Hospitals	.60	.62	+3%
Elementary-Secondary Education	2.37	2.32	-2%
Higher Education	.94	.91	-3%
Highways	.74	.66	-11%
Welfare (Non-Medicare)	.51	.37	-27%

\* Spending figures reflect state spending per \$100 of personal income.

Sources: Steve Gold, Center for the Study of the States,  
 Nelson A. Rockefeller, Institute of Government.

industrialized countries in infant mortality rates;

- 31-37 million Americans are without any medical insurance.

Why are these disturbing trends emerging now? Part of the explanation lies in fundamental shifts in the distribution of wealth as documented by Kevin Phillips in his recent book *The Politics of Rich and Poor*.<sup>15</sup> Phillips, using a wide variety of official data, argues the government economic policies of the past decade have improved the economic status of the rich at the expense of the lower and middle classes. Some of the more striking economic trends are as follows:

- In 1987, the income of then typical Black family (\$18,098) equaled just 56.1 percent of the typical white family's income, the lowest comparative ratio since the 1960s;
- Between 1979 and 1987, earnings for male high school graduates with one to five years of work experience declined by 18 percent;
- Between 1981 and 1987, the nation lost over 1 million manufacturing jobs;
- Between 1977 and 1988, the average after-tax family income of the lowest 10 percent, in current dollars, fell from \$3,528 to \$3,157 (a 10.5 percent decline). Conversely, the income of the top 10 percent increased from \$70,459 to \$89,783 (a 24.4 percent increase) and the incomes of the top 1 percent increased from \$174,498 to \$303,900 (a 74 percent increase);
- Between 1981 and 1988, the total compensation of Chief Executives increased from \$373,000 to \$773,000 (an increase of 107 percent), and the number of millionaires and billionaires increased by more than 250 percent.

Further and more current evidence of how the wealth of the country has been increasingly concentrated in the upper economic class is shown in Table 3.

In economic terms, America is becoming a more fragmented and segregated society. Should these trends persist, there will be an associated increase in

Table 3  
CHANGES IN AMERICA'S ECONOMIC CLASSES  
INCOME AND WEALTH  
1980 - 1990

Economic Class	1980	1990	%Change
Top 20 Percent	\$58,896	\$78,032	32.5%
Top 1 Percent	213,675	399,697	87.1%
Bottom 20 Percent	7,357	6,973	-5.2%
Top 20 Percent Capital Gains	83,000	175,000	110.8%

Sources: Center on Budget and Policy Priorities, Congressional Budget Office

the incidence of crime and other social problems, and hence, a growing public demand to fund criminal justice services. In particular, the number of those Americans who are uneducated and raised in impoverished conditions will continue to grow and justify the need to further expand the correctional system.

"For women, young people, and minorities the effect of economic polarization during the 1980s was largely negative. The nation as a whole also suffered as unemployable young people drove up the crime rate and expanded the drug trade. Broken families and unwed teenage mothers promised further welfare generations and expense. And none of it augured well for the future skills level and competitiveness of the U.S. work force," (Phillips, 1990:208).

The nation faces an enormous public policy dilemma. On one hand we are expending a greater portion of our public dollars on incarcerating, punishing, treating and controlling persons who are primarily from the lower economic classes in a futile effort to reduce crime. On

the other hand, we have set in motion economic policies that serve to widen the gap between the rich and the poor and produce yet another generation of impoverished youths who will likely end up under the control of the correctional system. By escalating the size of the correctional system, we are also increasing the tax burden and diverting billions of dollars from those very public services (education, health, transportation, and economic development) that would reduce poverty, unemployment, crime, drug abuse, and mental illness.

Until the long-term consequences of such a contradictory and debilitating public policy are recognized and reversed, the hope for a "kinder and gentler" America will be yet another "unmet promise."

## ENDNOTES

1 James Austin and Barry Krisberg, "The Unmet Promise of Alternatives to Incarceration," *Crime and Delinquency*, (July 1982): 374-409.

2 Examples of recent studies completed by NCCD are evaluations of the Ohio Community Corrections Act, the Florida Community Control Program, and the Massachusetts Division of Youth Services community based system.

3 John Irwin and James Austin (1987). *Its About Time*, (San Francisco, CA: National Council on Crime and Delinquency., 1987).

4 Bureau of Justice Statistics Bulletin (May 1990). *Prisoners in 1989*. U.S. Department of Justice, Washington, D.C.

5 James Austin and Aaron McVey, "The NCCD Prison Population Forecast: The Impact of the War on Drugs," *NCCD Focus*, (San Francisco, CA: National Council on Crime and Delinquency., 1989).

6 Arnold S. Linsky and Murray A. Strauss (1986), *Social Stress in the United States: Links to Regional Patterns in Crime and Illness*, (Dover, MA: Auburn House Publishing Company). In this book, the authors find strong relationships between crime and mental illness with the following socio-economic indicators: business failures, unemployment claims, workers on strike, personal bankruptcies, mortgage foreclosures, divorces, abortions, illegitimate births, infant deaths, fetal deaths, disaster assistance, state residency of less than five years, new houses authorized, new welfare cases, and high school dropouts.

7 Bureau of Justice Statistics Bulletin, *Jail Inmates, 1989*, Washington, D.C., U.S. Department of Justice.

8 This figure is based on two recent NCCD studies of the Cook County (Chicago) and Los Angeles County jail systems which found that approximately 85 - 87 percent of all jail admissions were non-duplicative admissions meaning that the same person was not booked more

than once into the jail in a given year. This test does not account for that fact that some individuals are booked more than once into jails located in different jurisdictions or more than once within a complex of jail facilities. For example a person could be booked only once into the Los Angeles county jail system and may also be booked into another California jail such as adjoining Orange or San Diego county jails. For this reason we have further reduced the estimate to 75 percent of total admissions.

9 Bureau of Justice Statistics Bulletin, 1990, *Crime and the Nation's Households, 1989*, Washington, D.C.: U.S. Department of Justice.

10 During the 1979 gubernatorial campaign, then candidate George Deukmejian complained that crime was out of control and that we needed to get tough with criminals. No one expected that the prison population would more than triple and that state correctional costs would quadruple during his reign. More significantly, the high crime rate of 1980 that justified the massive use of incarceration thereafter has not been reduced and violent crime has actually increased.

11 Candace McCoy, "The War on Drugs: Courts Caught in the Crossfire", *Crime and Delinquency in California, 1980 - 1989*, (Sacramento, CA: California Department of Justice., July 1990): 158 - 161.

12 Marc Mauer, *Young Black Men and the Criminal Justice System: A Growing National Problem*, (Washington, D.C.: The Sentencing Project, February 1990).

13 Part of the reason for the rising costs of corrections is also associated with the inflationary personnel costs for correctional officers. In California, the average salary for a correctional officer has increased from \$20,916 in 1982 to \$42,540 by 1991 which exceeds the salary of most public school teachers. And these salary costs do not reflect substantial indirect benefits such as generous pensions at early retirement, (Michael Snedeker, 1990, "The Meteoric Rise of Prison Guards," *The California Prisoner*, (August): 8-10.

14 The statistics presented here are drawn from the two following publications: *The State of Working America*, (Washington, D.C.: Economic Policy Institute, 1990); and Kevin Phillips, *The Politics of Rich and Poor*, New York: Random House, 1990.

15 Kevin Phillips (1990), *The Politics of Rich and Poor*, (New York: Random House). Most of the data shown above are taken directly from this publication.

## ABOUT THE AUTHOR

James Austin, Ph.D. is Executive Vice President of the National Council on Crime and Delinquency. Dr. Austin has authored and co-authored several articles including: "The NCCD Prison Population Forecast: The Impact of the War on Drugs."

**NATIONAL COUNCIL ON CRIME  
AND DELINQUENCY**

**Headquarters Office**  
685 Market Street, Suite 620  
San Francisco, California 94105  
(415) 896-6223

**Midwest Office**  
6409 Odana Road  
Madison, Wisconsin 53719  
(608) 274-8882

**East Coast Office**  
S.I. Newhouse Center at Rutgers  
15 Washington Street, Fourth Floor  
Newark, New Jersey 07102  
(201) 643-5805

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San Francisco, California 94105

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