

BASIC FACTS ABOUT THE CRIMINAL JUSTICE SYSTEM

HOW LARGE IS THE SYSTEM?

- There are currently more than 6.9 million people under the control of the U.S. criminal justice system, either incarcerated, on probation, or under parole supervision.¹ This is equal to more than 3% of the adult U.S. population.
- The number of prisoners in state and federal facilities has increased more than six-fold between 1970 and 2003.²
- In 2003, there were more than 2.2 million people incarcerated in jails or prisons in the United States.³
- In 2003, state and federal prisons held about 1.4 million people, local jails held 691,000 prisoners, and 102,000 children were incarcerated in juvenile facilities. The remaining prisoners are held in Indian country, Bureau of Immigration and Customs Enforcement (formerly the Immigration and Naturalization Service), territorial, military or other facilities.⁴
- The 2003 U.S. incarceration rate was 714 prisoners per 100,000 people (the highest reported rate in the world).⁵
- At the end of 2003, 1 in every 140 U.S. residents was incarcerated.⁶

WHO IS IN OUR PRISONS AND JAILS?

Gender:

- In 2003, about 93% of prisoners were male; almost 7% are female. From 1995 to 2003, the total number of male prisoners has grown by 29%; the number of female prisoners by 48%.⁷
- Black females were nearly more than 2.5 times more likely than Hispanic women and 4.5 times more likely than White females to be incarcerated in 2003.⁸

Race:

- Although Black Americans make up only 12.7% of the U.S. population, they make up 48.2% of adults in federal, state, or local prisons and jails.⁹
- Latinos represent just 11.1% of the U.S. population, yet are 18.6% of the U.S. prison population.¹⁰
- American Indians make up less than 1% of the population, yet 4% of American Indians age 18 and older are under correctional supervision.¹¹
- People of color are overrepresented in the system.
 - 2,526 Blacks per 100,000 are incarcerated.¹²
 - 997 Latinos per 100,000 are incarcerated.¹³
 - 808 Whites per 1,000 are incarcerated.¹⁴
- ***Whites may be overcounted in prison.*** A study by the National Center on Institutions and Alternatives (NCIA) which counted both the race and ethnicity of prisoners found that prison officials often counted Latino prisoners as White. This resulted in the overcounting of White prisoners in a number of states. For example, New Mexico reported its prison population in 1997 as 83% White, when in actuality the percentage was 29%. Barry Holman, NCIA's director of public policy, says "Counting Hispanic/Latinos as whites hides the magnitude of incarceration of people of color. What has been rather antiseptically referred to as a 'racial disparity' is really a gaping divide between whites and nonwhites that far outstrips minority levels in the population or in committing crime."¹⁵

Youth:

- In 2003, 12.8% of Black males aged 25-29 were incarcerated compared to 3.7% of Hispanic males and 1.6% of White males in the same age group.¹⁶ If current rates of incarceration continue, about 1 in 3 Black males, 1 in 6 Hispanic males and 1 in 17 White males are expected to go to prison at some point during their lives.¹⁷

Education:

- 68% of state prisoners in 1997 had not completed high school.¹⁸
- 40% of the incarcerated population is functionally illiterate, meaning that they would be unable to write a letter explaining an error in billing.¹⁹
- 50% of people on death row *do not* have a high school diploma or GED. Roughly 85% of U.S. adults do.²⁰

Employment and Income:

- 36% of people in jail in 1996 were unemployed prior to entering jail.²¹
- 64% of people in jail in 1996 had monthly incomes of under \$1,000 in the month before their arrest.²²

Health and Addiction:

- About 80% of people incarcerated have reported past drug and alcohol abuse.²³ However, of the 37% of state prisoners in 1997 who used alcohol at the time of their arrest, only 14% have received alcohol treatment while in prison.²⁴ Of the 33% of state prisoners who used drugs at the time of their arrest, only 18% received treatment while in prison.²⁵
- Each year, 25% of people living with HIV pass through correctional facilities in the United States²⁶. This high proportion may result from racial discrimination that blocks access to public health care (both outside and inside prisons), especially for young Latino and Black American men.²⁷ The confirmed AIDS case rate among prison inmates is about 0.52%, which is 4 times higher than the rate within the general population (0.13%).²⁸ Despite this high rate and the many risk factors for contracting HIV present in the prison system, few prisons have implemented comprehensive prevention programs like condom distribution.²⁹

FOR WHAT ARE THEY INCARCERATED?

- In 2001, drug offenders constituted an estimated 20% of state prisoners and 55% of federal prisoners.³⁰
- In 2001, an estimated 50% of those sentenced to state prisons were convicted of non-violent crimes such as property offenses (19.3%), drug offenses (20.4%) and public-order offenses (10.7%).³¹
- In 2001, 88.7% of those sentenced to federal prisons were convicted of non-violent crimes including property offenses (7.5%), drug offenses (55%) and public-order offenses (25.5%).³²

HOW MUCH DOES IT COST?

- The average yearly cost of incarcerating a federal prisoner in 2004 was \$23,205³³. The average cost of incarcerating a community prisoner in 2004 was \$20,102.³⁴ It is three times more expensive to incarcerate a prisoner over the age of 55.³⁵

- In 2001 the United States spent a record high \$167 billion dollars on police protection, corrections, and judicial and legal activities.³⁶
- In 2003, the federal government spent \$19.6 billion dollars on drug control.³⁷
- In 2001, it spent \$18.1 billion, only 31% of which went to reduce demand through research, programs, drug abuse treatment and prevention. 54% of the federal drug control expenditures went to reduce supply via domestic law enforcement.³⁸

1 Department of Justice, Bureau of Justice Statistics (hereafter BJS). 2002. Sourcebook of Criminal Justice Statistics 2002 30: 478. See <http://www.albany.edu/sourcebook/1995/pdf/t61.pdf> (June 15, 2004).

2 BJS cited by the Sentencing Project. May 2004. "Facts About Prisons and Prisoners." Available at: <http://sentencingproject.org/pdfs/1035.pdf>. Accessed on May 18, 2005.

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4 Ibid.

5 Ibid.

6 Ibid.

7 Ibid.

8 Ibid.

9 Prison Activist Resource Center (hereinafter PARC). No date. Racism Fact Sheets: "African-Americans and the Criminal Injustice System." See <<http://www.prisonactivist.org/factsheets/racism.pdf>> (July 3, 2003).

10 PARC. No date. Racism Fact Sheets: "Latinos and the Criminal Injustice System." See <<http://www.prisonactivist.org/factsheets/racism.pdf>> (July 3, 2003).

11 BJS. February 1999. "American Indians and Crime." See <<http://www.ojp.usdoj.gov/bjs/pub/pdf/aic.pdf>> (June 15, 2004).

12 Prison Policy Initiative. "Incarceration is not an equal opportunity punishment." December 2003. Available at: http://www.prisonpolicy.org/articles/not_equal_opportunity.pdf. Accessed on May 18, 2005.

13 Prison Policy Initiative. "Incarceration is not an equal opportunity punishment." December 2003. Available at: http://www.prisonpolicy.org/articles/not_equal_opportunity.pdf. Accessed on May 18, 2005

14 BJS. 2002. BJS Bulletin, "Jails in Indian Country, 2002".

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16 Department of Justice, BJS. May 2004. "Prison and Jail Inmates at Midyear 2003." See <<http://www.ojp.usdoj.gov/bjs/pub/pdf/pjim03.pdf>> (November 22, 2004).

17 Department of Justice, BJS. August 2003. "Prevalence of Imprisonment in the U.S. Population, 1974-2001." See <<http://www.ojp.usdoj.gov/bjs/pub/pdf/piusp01.pdf>> (June 23, 2004).

18 Department of Justice, BJS. January 2003. "Education and Correctional Populations." See <<http://www.ojp.usdoj.gov/bjs/pub/pdf/ecp.pdf>> (July 15, 2004). Note that this 2003 DOJ report uses 1997 statistics. As of publication, these 1997 statistics were the most recent available on education and those in the criminal justice system.

19 Cited in Wagner, Peter. 2003. *The Prison Index: Taking the Pulse of the Crime Control Industry*. The Prison Policy Initiative. Portland Oregon: Bridgetown Printing, p. 19.

20 Ibid., p. 21.

21 BJS cited by the Sentencing Project. October 2003. "Facts about Prisons and Prisoners."

22 BJS cited by the Sentencing Project. May 2004. "Facts about Prisons and Prisoners." See <<http://www.sentencingproject.org/pdfs/1035.pdf>> (June 28, 2004).

23 Centers for Disease Control. August 2001. "Drug Use, HIV and the Criminal Justice System." See <<http://www.cdc.gov/odu/facts/criminaljusticefactsheet.pdf>> (July 15, 2003).

24 Cited in Wagner, op. cit., p. 19.

25 Ibid.

26 Cited in Arriola, Kimberly, MD and Ronald Braithwaite, MD. May 2003. "Male Prisoners and HIV Prevention: A Call for Action Ignored." *American Journal of Public Health* 93(5):759-763.

27 Ibid.

28 Ibid.

29 Hammett, Theodore, PH.D, Patricia Harmon and Laura Marushak. U.S. Department of Justice, Office of Justice Programs, National Institute of Justice. July 1999. "1996-1997 Update: HIV/AIDS, STDs, and TB in Correctional Facilities." See <<http://www.ncjrs.org/pdffiles1/176344.pdf>> (June 21, 2004).

30 BJS, 2002, op. cit.

31 Ibid.

32 Ibid.

33 "The Third Branch". "FY 2004 Costs of Incarceration and Supervision". Available at: <http://www.uscourts.gov/ttb/may05ttb/incarceration-costs/>. Accessed on May 23, 2005.

34 Ibid.

35 Cited in Wagner, op. cit., p. 30.

36 BJS. May 2004. "Justice Expenditure and Employment in the United States, 2001." See <<http://www.ojp.usdoj.gov/bjs/pub/pdf/jeeus01.pdf>> (June 28, 2004).

37 Office of National Drug Control Policy. National Drug Control Budget, FY2004 Budget Summary. Available at <http://www.whitehousedrugpolicy.gov/publications/policy/04budget/index.html>. Accessed on May 19, 2005. Cited at drugsense.org.

38 Cited in Wagner, op. cit., p. 33.