



## IFTJ 2016—CRIMINAL JUSTICE REFORM BACKGROUNDER

### The reality of mass incarceration

The United States is [home to 5% of the world's population and 25% of the world's incarcerated people, according to the ACLU](#). We are the world leader in incarceration, with 2.2 million people currently housed in the nation's prisons or jails, an increase of 500% over the past three decades. Most of this increase comes from harsher state and federal sentencing laws, not increases in crime.

In reality, our current sentencing laws and practices disproportionately burden people of color. Five decades after the Civil Rights movement, black men are still arrested, convicted, and sentenced at higher rates than white men. One in three black men in the U.S. will be incarcerated at some point in his life. [More African-American men are in prison, jail, or on probation or parole in the U.S. today than were enslaved in 1850](#). Five decades after the Civil Rights movement, African-American men are still disproportionately arrested, convicted, and sentenced.

Moreover, people of color are also more likely to be killed by police. No single, official government database of individuals harmed by police force yet exists. But, according to the Guardian's [The Counted](#) project, this year alone more than 700 people have been killed by police in the U.S. as of August 2016.

The effects of incarceration endure long after a person is released. A prison sentence leaves a permanent scar, denying the returned citizen access to jobs, assistance with food and housing, and, in many cases, voting rights. This treatment does the opposite of rehabilitation—instead, it traps people who have been incarcerated and their families in a cycle of poverty and continued oppression. Incarceration in the U.S. has gone beyond its original intended purpose. It is no longer a system of rehabilitation, retribution, or even deterrence. Rather, it has become a set of practices designed to exert control over populations of people with a history of being oppressed by the U.S. and local governments.

### How did we get here?

At a basic level, many of our current criminal justice problems stem from our nation's historic and ongoing problem with racism. People of color account for 30% of the U.S. population, but nearly 60% of the U.S. prison population.

In her book *The New Jim Crow*, Michelle Alexander makes a convincing case that over the years some politicians have intentionally used incarceration to win votes from white Americans. They did so by using coded language such as “law and order,” “urban crime,” and “drug users” to associate crime with blackness. Politicians also created the so-called “war on drugs,” and the crackdown on drug offenses focused heavily on black individuals who were using drugs in cities. For instance, black people comprise only 12% of the population of people who use drugs, but 38% of people who are arrested for drug offenses.

## What We See

### Mandatory Minimum Sentences

In the 1980s, Congress created long sentences for nonviolent, particularly drug-related, crimes. These sentences have disproportionately harmed African Americans, and African-American men in particular, demonstrated by the fact that African Americans are four times more likely than whites to be arrested for drug possession or use. And, when the defendant is African American, prosecutors are twice as likely to pursue charges that carry mandatory minimum sentences. As a result, African Americans serve nearly as much time in prison for nonviolent drug offenses (58.7 months) as whites do for violent offenses (61.7 months).

### School-to-Prison Pipeline

In some public schools, a permanent police presence and “zero tolerance” policies lead to misbehaving students being suspended, expelled, and funneled directly into the juvenile and criminal justice systems. Rather than helping children, many schools’ first response is to isolate, punish, and push out students. This system, known as the school-to-prison pipeline, disproportionately affects youth of color. For instance, [70% of students involved in in-school arrests](#) or referred to law enforcement are black or Latino students.

Children are likely to face unduly harsh punishments once they have gotten involved with the criminal justice system. For example, the United States is the only country in the world that sentences juveniles to life in prison without the possibility of parole, and children of color are 10 times more likely than white children to receive such a sentence. Currently, there are 2,500 individuals serving life-without-parole sentences for crimes they committed as children.

### Insufficient Support for People with Mental Illness

Gaps in the U.S. mental health system also drive up the prison population. Incarcerated people are affected by mental illness at [rates four to six times higher](#) than the general population, and drug and alcohol abuse is also more common. Many of these individuals in prison are suffering from treatable conditions. These people would be better served by the mental health system than the criminal justice system. Incarceration does little to address these underlying issues.

### Strain on Families and Communities

According to reports by the [Pew Charitable Trusts](#), upwards of 2.7 million children in the United States have at least one parent behind bars. These numbers vary widely among races and ethnicities. Only 1 out of every 110 white children has a parent in prison, compared to 1 in 15 and 1 in 44 black children and Hispanic children, respectively.

### Struggles with Reentry into Society

This year alone, an estimated 630,000 men, women, and juveniles will reenter society after they serve their sentences in federal and state prisons. An additional 9 million individuals will be released from local jails and detention centers. Upon their release, these men, women, and children will face additional difficulties, often called “collateral consequences.” Many employers refuse to hire individuals with criminal records. A number of states strip formerly incarcerated individuals of their right to vote. Additionally, individuals convicted of drug felony offenses are barred from public assistance programs like SNAP, TANF, and public housing.