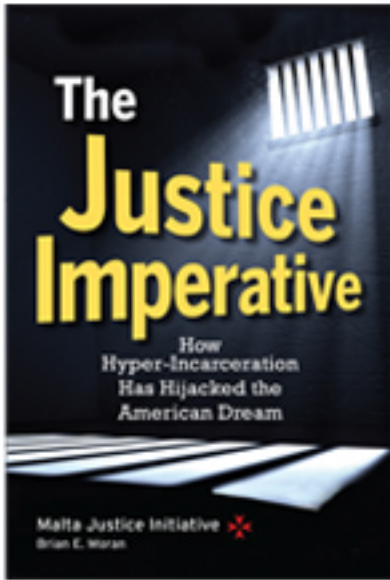


Malta Justice Initiative ✖

THE JUSTICE IMPERATIVE

EXECUTIVE SUMMARY



As documented in Michelle Alexander's groundbreaking book "The New Jim Crow: Mass Incarceration in the Age of Colorblindness," the war on drugs has been waged over the past four decades with equal vigor by both Democratic and Republican administrations.¹ Such war was accompanied by stricter sentencing policies (e.g., three-strikes laws, truth in sentencing and mandatory minimums) and less use of probation and parole. The war has vaulted the United States to a unique place among nations in the world.

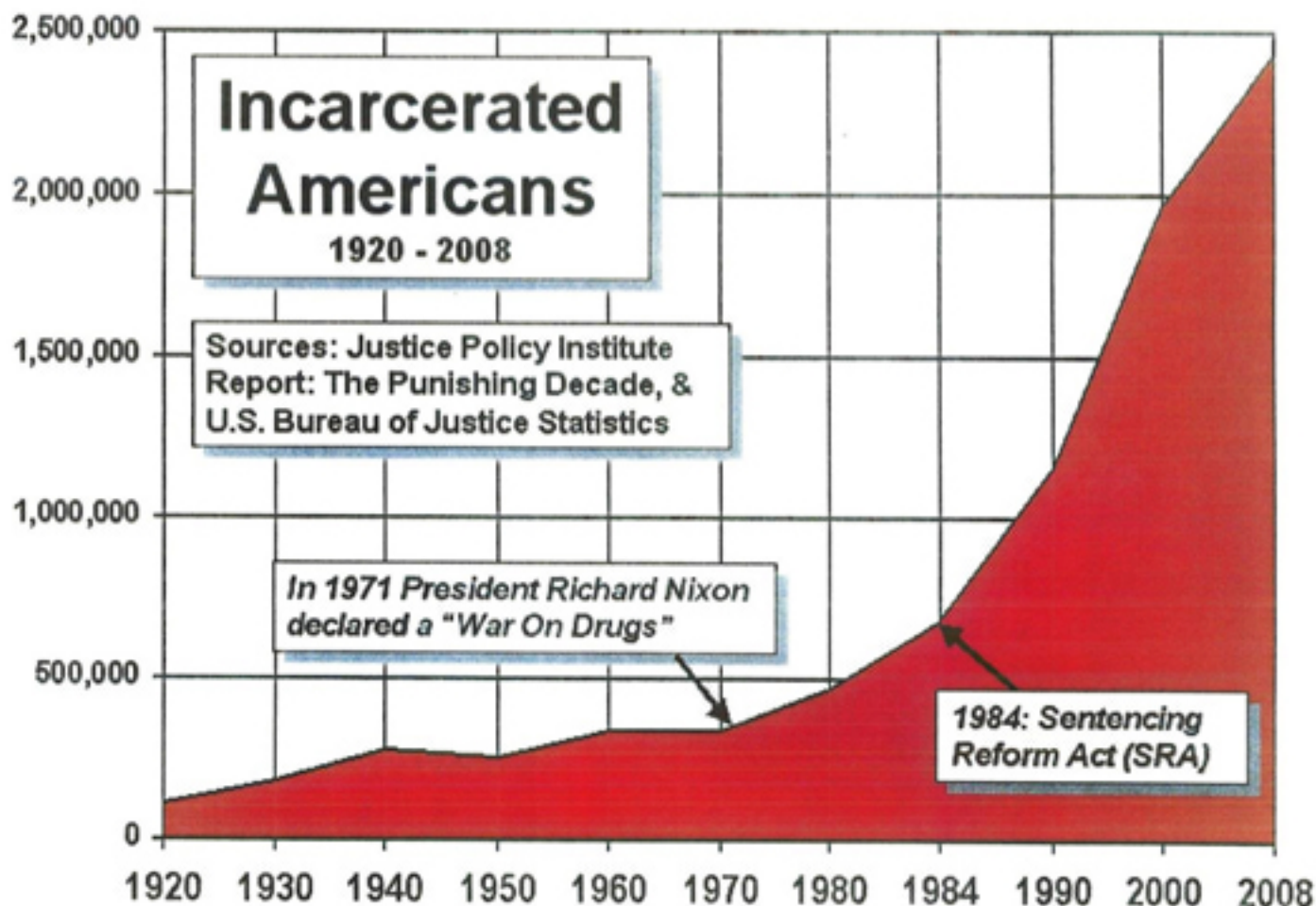
Between 1980 and 2000, the number of people incarcerated either in prison or jail in the U.S. rose almost seven hundred percent from 300,000 to over 2 million.² By 2008, more than 7 million Americans (1 out of every 31 adults) were estimated to be behind bars, on probation or on parole.³ In 2008, one in every 48 working-age men was in prison or jail, compared with 1 in 153 in 1960 and 1 in 156 in 1980.⁴ This explosion in the number of prisoners is attributed in major part to

the war on drugs and the resulting surge in drug convictions. Drug and related offenses account for the majority of the increased prison population.⁵ The irony is that the war on drugs took root at a time when illegal drug use in the U.S. was actually on the decline.⁶

Non-violent offenders make up over 60 percent of the current U.S. prison and jail population.⁷ Non-violent drug offenders account for about one-fourth of all inmates, up from less than 10 percent in 1980.⁸ The total number of violent crimes was only about three percent higher in 2008 than in 1980, despite a 33 percent increase in U.S. population.⁹ The total number of property crimes fell about 20 percent between 1980 and 2008, while the prison and jail population exploded.¹⁰

One might assume that getting bad guys off the street makes us all safer. While increased incarceration starting in the 1980s is given some credit for lowering crime rates, it is generally seen as yielding diminishing returns, particularly after the early 1990s. Don Stemen of the Vera Institute of Justice has concluded "[t]he most sophisticated analysts generally agree that increased incarceration rates have some effect on reducing crime, but the scope of that impact is limited: a 10 percent increase in incarceration is associated with a 2 to 4 percent drop in crime. Moreover, analysts are nearly unanimous in their conclusion that continued growth in incarceration will prevent considerably fewer, if any, crime than past increases did and will cost taxpayers substantially more to achieve."¹¹

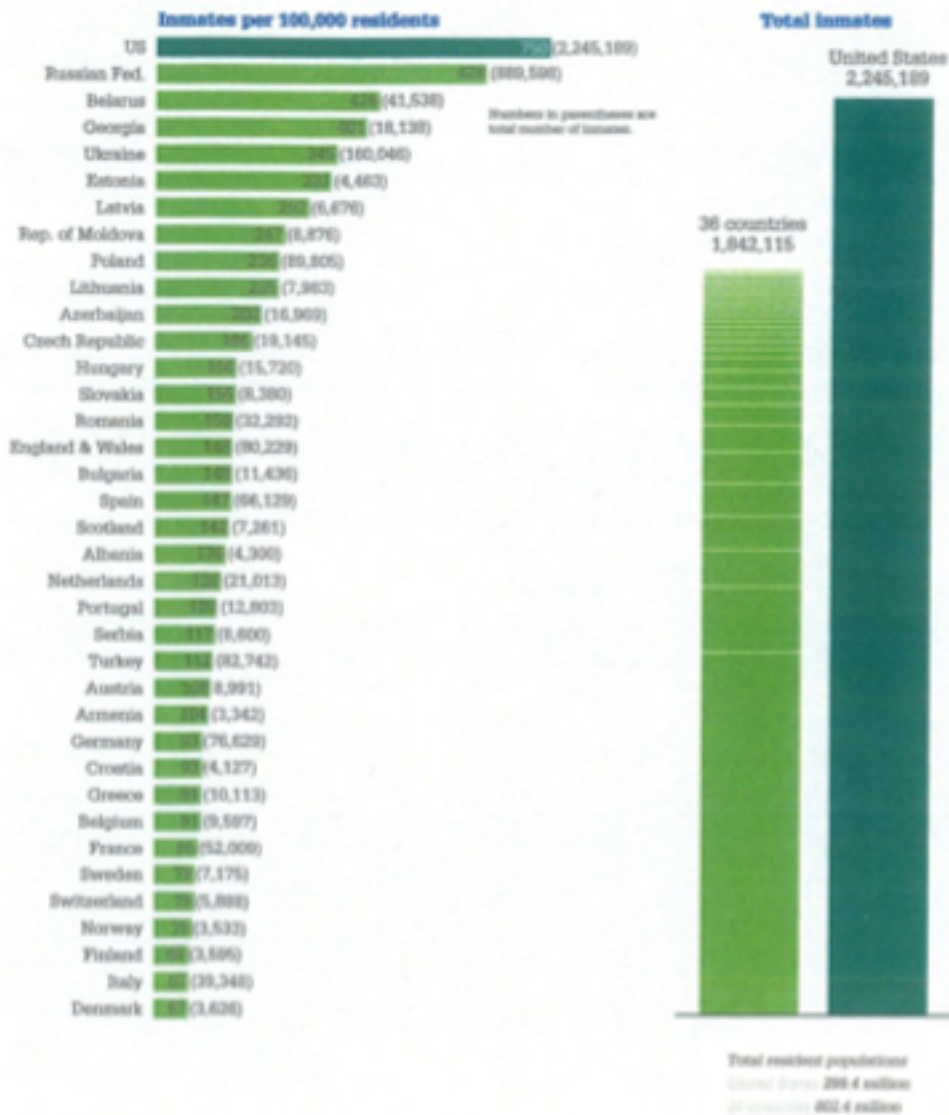
This combination of mass incarceration of non-violent drug offenders and diminishing public safety returns has led to staggering increased costs that have failed to produce equivalent benefits for taxpayers.



As a consequence of the war on drugs, the U.S. now has the highest incarceration rate in the world.¹² The U.S. leads the world in both absolute and relative numbers of people living behind bars.¹³ Our prison population rose so sharply in the last few decades that by 2009, the U.S. had 4.6% of the world's population but 22.4% of its prison population.¹⁴ And when we compare ourselves to other industrial democracies, the contrast is even sharper: the U.S. boasts an incarceration rate that is six to ten times higher than countries with similar standards of living.¹⁵ This situation exists notwithstanding the fact that U.S. crime rates are not materially different from those found in other countries.¹⁶ For example, in Germany, 93 people are in prison for every 100,000 adults, whereas in the U.S. the figure is eight times higher (750 per 100,000).¹⁷

INTERNATIONAL COMPARISONS

The U.S. inmate population compared to the 36 largest European inmate populations (years vary).



SOURCE: International Centre for Prison Studies at King's College, London, "World Prison Brief." Data downloaded January 2008.

NOTE: Rates are for total number of residents, not just adults. Figures in this chart may not align with others due to differences in counting methods.

The impact of the 40-year war on drugs is most directly felt in our cities and by citizens of color. It is estimated that in Washington, D.C. more than half of all young adult black men are currently under correctional control, either in prison or jail or on probation or parole.¹⁸



This book looks at the current status of Connecticut's criminal justice and correctional systems forty years into the war on drugs. It examines whether the policy and enforcement initiatives pursued over the course of such war remain effective or sustainable in view of their staggering monetary and human cost, including their disparate impact on particular communities and segments of Connecticut's citizenry. We also consider whether less costly, more effective and more humane alternatives exist that are worthy of consideration by the legislative and executive branches of Connecticut's state government.

On the strength of strong empirical evidence -- adduced from an examination of best practices by "model" states -- we have concluded that certain reforms can yield a trifecta of societal benefits, namely (1) reduced costs, (2) lower recidivism through reinvestment of the cost savings in proven rehabilitative treatments and programs and (3) enhanced public safety.

Accordingly, we make thirty specific reform recommendations in Chapter 12. These recommendations are intended to "right size" Connecticut's prisons. In Chapter 12, we identify four desired outcomes:

- (1) Reduce Connecticut's prison population in half within five years;**
- (2) Reduce Connecticut's recidivism rate by 30 percentage points within five years;**
- (3) Close half of the State's correctional facilities within five years; and**
- (4) Reduce State spending on the prison system by half within five years, with two-thirds of the savings being redirected toward drug and mental health treatments, educational and vocational training and post-release support and supervision.**

Our thirty specific recommendations are aimed at achieving the above four outcomes. Our reforms are intended to yield the trifecta of benefits -- reduced cost, lower recidivism and increased public safety. In our collective judgment, these benefits trump the case for maintaining the retributive and punitive system that the forty-year war on drugs has wrought.

Reform also comes with a vital fourth potential benefit -- the opportunity to create a better life for ex-offenders and their families. Connecticut's continuing war on drugs and current criminal justice system has essentially erected a revolving prison door through which offenders pass time and time again. Such door serves as a gateway for a life of crime. With each passage through the door, the odds of rehabilitation are slashed and the likelihood of repeat offenses enhanced, all at a staggering financial cost to Connecticut taxpayers and a debilitating human cost to the individuals and communities affected. The war on drugs has subjected two generations of Connecticut juvenile offenders to a system that guarantees the overwhelming majority of such offenders will spend their lives rotating into and out of prison.

We submit there is a far better approach. The time for embracing such an approach is now. The failure to seize this opportunity will subject a third generation of Connecticut youth to the revolving door of Connecticut's current criminal justice system and condemn many to a life of crime and poverty. There is a justice imperative that demands that we take action.

Chapter One – Executive Summary

¹ Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New Press 2012) (“Alexander”).

² Alexander, at 60.

³ Pew Center on the States, *One in 31 - The Long Reach of American Corrections* (Pew Charitable Trust, 2009).

⁴ John Schmitt, Kris Warner and Sarika Gupta, “The High Budgeting Cost of Incarceration”, Center for Economic and Policy Research, (Washington, D.C., June 2010) (“Schmitt, Warner and Gupta”). See www.cepr.net, at 7.

⁵ Marc Mauer, *Race to Incarcerate*, rev. ed. (New York: The New Press, 2006), at 33.

⁶ Katherine Beckett and Theodore Sasson, *The Politics of Injustice; Crime and Punishment in America* (Thousand Oaks, CA; Sage Publications, 2004), at 163.

⁷ Schmitt, Warner and Gupta, at 1.

⁸ Id.

⁹ Id.

¹⁰ Id.

¹¹ Stemen, Don, “Reconsidering Incarceration: New Directions for Reducing Crime” Vera Institute of Justice (New York, 2007), available at http://www.vera.org/download?file=407/veraincarc_vFW2.pdf

¹² Adam Liptack, “U.S. Prison Population Dwarfs That of Other Nations,” *New York Times*, April 23, 2008 (“Criminologists and legal scholars in other industrialized nations say they are mystified and appalled by the numbers and length of American prison sentences”).

¹³ The Sentencing Project, Fact Sheet: Trends in U.S. Corrections. Available at http://sentencingproject.org/doc/publications/inc_Trends_in_Corrections_Fact_sheet.pdf

¹⁴ *New York Times* Op-Ed, Vanita Gupta, “How to Really End Mass Incarceration”, August 14, 2013.

¹⁵ Michael Tonry, *Thinking About Crime: Sense and Sensibility in America’s Penal Culture* (New York: Oxford University Press, 2004) at 20 (“Tonry”).

¹⁶ Alexander, at 7; and Tonry, at 14.

¹⁷ Pew Center on the States, *One in 100: Behind Bars in America*, (Washington, D.C., Pew Charitable Trust, 2008), at 5, available at http://www.pewstates.org/uploadedFiles/PCS_Assets/2008/one%20in%20100.pdf

¹⁸ Alexander, at 9; Thomas P. Bonczar, “Prevalence of Imprisonment in the U.S. Population, 1974-2001,” U.S. Department of Justice, Bureau of Justice Statistics, August 2003, available at <http://www.bjs.gov/content/pub/pdf/piusp01.pdf>