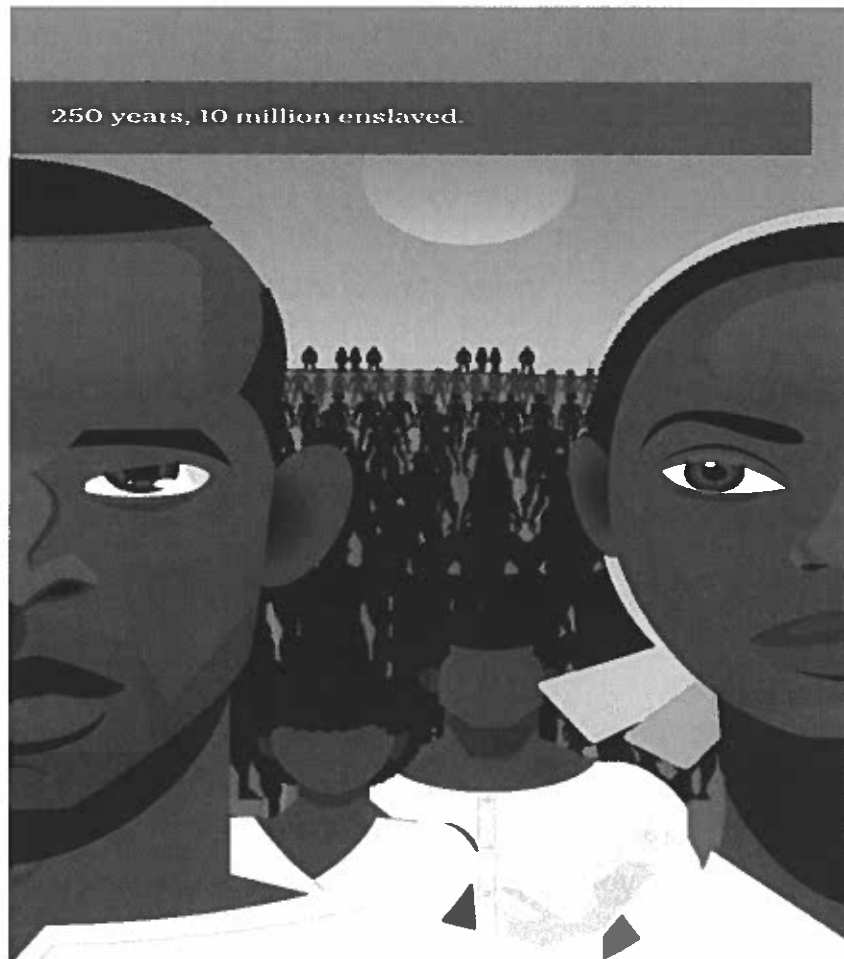


1619 Project Discussion Article Packet



Topic: Criminal Justice, Prisons and Race

October 14, 2021

6:30 – 8:00 pm

Zoom ID: 823 648 5349

Password: 691353

Upcoming 1619 programs

All programs hosted on Zoom from 6:30 pm – 8:00 pm.

Topics subject to change.

November 11, 2021

Slavery in America Part 1

Four Hundred Souls: A Community History of African America 1619-2019

December 9, 2021

Slavery in America Part 2

Four Hundred Souls: A Community History of African America 1619-2019

January 13, 2022

Slavery in America Part 3

Four Hundred Souls: A Community History of African America 1619-2019

Please check our 1619 Discussion homepage at:

<https://heightslibrary.org/services/1619-project/>

The Library's 1619 topic interviews are on Youtube

<https://www.youtube.com/hashtag/1619projectdiscussion>

And our Facebook Group:

<https://www.facebook.com/groups/3125417084169554>

For more information

Contact: John Piche' at jpiche@heightslibrary.org

The Convict Leasing System: Slavery in its Worst Aspects

 blogs.loc.gov/inside_adams/2021/06/convict-leasing-system/

By Ellen Terrell

June 17, 2021

This post was written by Lynn Weinstein a Business Reference Librarian in the Science, Technology, and Business Division.

“Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.” Article XIII, February 1, 1865



Convicts and guard, Oglethorpe County, Georgia. 1941.

While many believe that the 13th Amendment ended slavery, there was an exemption that was used to create a prison convict leasing system of involuntary servitude to fill the labor supply shortage in the southern states after the Civil War. Black Codes regulated the lives of African Americans and justice-involved individuals were often convicted of petty crimes, like walking on the grass, vagrancy, and stealing food. Arrests were often made by professional crime hunters who were paid for each “criminal” arrested, and apprehensions often escalated during times of increased labor needs. Even those who were declared innocent in the courts were often placed in this system when they could not pay their court fees. Companies and individuals paid leasing fees to state, county, and local governments in exchange for the labor of prisoners in farms, mines, lumber yards, brick yards, manufacturing facilities, factories, railroads, and road construction. The convict leasing fees generated substantial amounts of revenue for southern state, county, and local budgets, and lasted through World War II.

“We punish a man who steals a loaf, if he steals an entire railroad, we say a financier; let us ask him to dinner.” – Rev. Dr. Wayland
as quoted in *The Crime of Crimes or the /convict System Unmasked* (image 4)

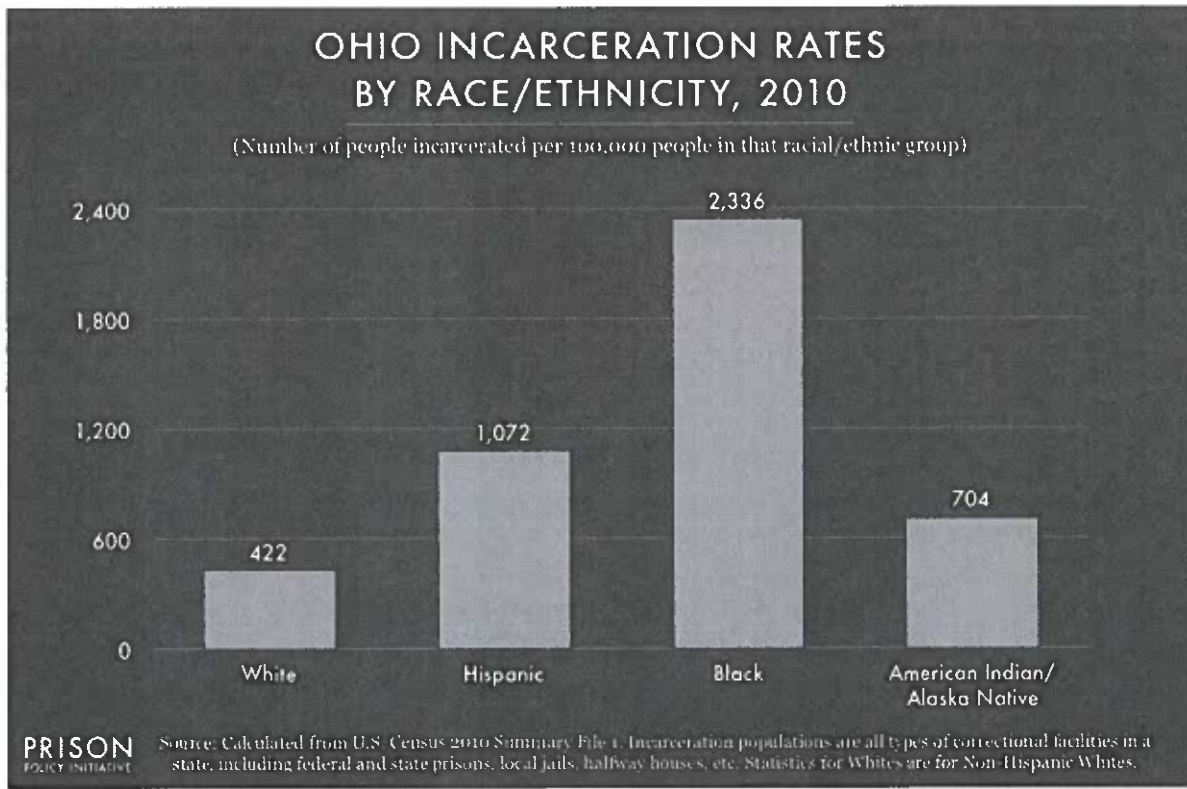
The Tennessee Coal, Iron and Railroad Company (TCI) one of the original 12 companies listed in the Dow Jones Industrial Index, was one of the largest users of prison laborers, mostly comprised of African Americans convicted of petty crimes. The number of convicts employed increased after United States Steel, the largest corporation in the world at the time (formerly known as U.S. Steel and USX), acquired TCI in 1907. The working and living conditions for these prisoners were brutal, as companies leasing convicts sought to house, clothe and feed them for minimal expense, with little interest in their survival. Justice-involved individuals were housed in rough board shanties unfit for the habitation of human beings. Torture and beatings were common, and countless

individuals perished from abuse; poor and dangerous working conditions; communicable diseases, such as tuberculosis, malaria, and pneumonia; and from environmental conditions like contaminated water.

The nominal wages given to the prison laborers “drives honest labor out of employment and into starvation.” Many institutions in the late 1800s and early 1900s employed convict labor as a way to avoid strikes, shortages of laborers, and high turnover. Convict leasing undermines competitive labor markets and decreases living standards by reducing wage and employment rates among the free population. Government use of prison labor can distort incentives for incarceration, particularly in the for-profit prison system. The Coal Creek War was an early 1890s armed labor struggle across Tennessee that was launched against the state government’s convict-leasing system. The labor movement fought against it, because it resulted in suppressing employee wages and increasing unemployment. At the same time, manufacturers rallied against the system, because they could not compete against companies deploying cheap convict labor.

Forced labor took many forms, including convict labor, debtor’s servitude, and peonage. Self-made industrialists of the southern United States, including John T. Milner and James W. Sloss, built their wealth and industries on this labor. Much of the country’s infrastructure, encompassing roads, railroads, buildings, and levees, was built out of this abusive system.

People of color are overrepresented in prisons and jails



Why American Prisons Owe Their Cruelty to Slavery

nytimes.com/interactive/2019/08/14/magazine/prison-industrial-complex-slavery-racism.html

Bryan Stevenson

August 14, 2019

Slavery gave America a fear of black people and a taste for violent punishment. Both still define our criminal-justice system.

By Bryan Stevenson AUG. 14, 2019

Several years ago, my law office was fighting for the release of a black man who had been condemned, at the age of 16, to die in prison. Matthew was one of 62 Louisiana children sentenced to life imprisonment without parole for nonhomicide offenses. But a case I'd argued at the Supreme Court was part of a 2010 ruling that banned such sentences for juveniles, making our clients eligible for release.

Some had been in prison for nearly 50 years. Almost all had been sent to Angola, a penitentiary considered one of America's most violent and abusive. Angola is immense, larger than Manhattan, covering land once occupied by slave plantations. Our clients there worked in fields under the supervision of horse-riding, shotgun-toting guards who forced them to pick crops, including cotton. Their disciplinary records show that if they refused to pick cotton — or failed to pick it fast enough — they could be punished with time in "the hole," where food was restricted and inmates were sometimes tear-gassed. Still, some black prisoners, including Matthew, considered the despair of the hole preferable to the unbearable degradation of being forced to pick cotton on a plantation at the end of the 20th century. I was fearful that such clients would be denied parole based on their disciplinary records. Some were.

The United States has the highest rate of incarceration of any nation on Earth: We represent 4 percent of the planet's population but 22 percent of its imprisoned. In the early 1970s, our prisons held fewer than 300,000 people; since then, that number has grown to more than 2.2 million, with 4.5 million more on probation or parole. Because of mandatory sentencing and "three strikes" laws, I've found myself representing clients sentenced to life without parole for stealing a bicycle or for simple possession of marijuana. And central to understanding this practice of mass incarceration and excessive punishment is the legacy of slavery.

It took only a few decades after the arrival of enslaved Africans in Virginia before white settlers demanded a new world defined by racial caste. The 1664 General Assembly of Maryland decreed that all Negroes within the province "shall serve *durante vita*," hard labor for life. This enslavement would be sustained by the threat of brutal punishment. By 1729, Maryland law authorized punishments of enslaved people including "to have the right hand cut off ... the head severed from the body, the body divided into four quarters, and head and quarters set up in the most public places of the county."

Soon American slavery matured into a perverse regime that denied the humanity of black people while still criminalizing their actions. As the Supreme Court of Alabama explained in 1861, enslaved black people were "capable of committing crimes," and in that capacity were "regarded

as persons” — but in most every other sense they were “incapable of performing civil acts” and considered “things, not persons.”

The 13th Amendment is credited with ending slavery, but it stopped short of that: It made an exception for those convicted of crimes. After emancipation, black people, once seen as less than fully human “slaves,” were seen as less than fully human “criminals.” The provisional governor of South Carolina declared in 1865 that they had to be “restrained from theft, idleness, vagrancy and crime.” Laws governing slavery were replaced with Black Codes governing free black people — making the criminal-justice system central to new strategies of racial control.

These strategies intensified whenever black people asserted their independence or achieved any measure of success. During Reconstruction, the emergence of black elected officials and entrepreneurs was countered by convict leasing, a scheme in which white policymakers invented offenses used to target black people: vagrancy, loitering, being a group of black people out after dark, seeking employment without a note from a former enslaver. The imprisoned were then “leased” to businesses and farms, where they labored under brutal conditions. An 1887 report in Mississippi found that six months after 204 prisoners were leased to a white man named McDonald, dozens were dead or dying, the prison hospital filled with men whose bodies bore “marks of the most inhuman and brutal treatment ... so poor and emaciated that their bones almost come through the skin.”

Anything that challenged the racial hierarchy could be seen as a crime, punished either by the law or by the lynchings that stretched from Mississippi to Minnesota. In 1916, Anthony Crawford was lynched in South Carolina for being successful enough to refuse a low price for his cotton. In 1933, Elizabeth Lawrence was lynched near Birmingham for daring to chastise white children who were throwing rocks at her.

It’s not just that this history fostered a view of black people as presumptively criminal. It also cultivated a tolerance for employing any level of brutality in response. In 1904, in Mississippi, a black man was accused of shooting a white landowner who had attacked him. A white mob captured him and the woman with him, cut off their ears and fingers, drilled corkscrews into their flesh and then burned them alive — while hundreds of white spectators enjoyed deviled eggs and lemonade. The landowner’s brother, Woods Eastland, presided over the violence; he was later elected district attorney of Scott County, Miss., a position that allowed his son James Eastland, an avowed white supremacist, to serve six terms as a United States senator, becoming president pro tempore from 1972 to 1978.

This appetite for harsh punishment has echoed across the decades. Late in the 20th century, amid protests over civil rights and inequality, a new politics of fear and anger would emerge. Nixon’s war on drugs, mandatory minimum sentences, three-strikes laws, children tried as adults, “broken windows” policing — these policies were not as expressly racialized as the Black Codes, but their implementation has been essentially the same. It is black and brown people who are disproportionately targeted, stopped, suspected, incarcerated and shot by the police.

Hundreds of years after the arrival of enslaved Africans, a presumption of danger and criminality still follows black people everywhere. New language has emerged for the noncrimes that have replaced the Black Codes: driving while black, sleeping while black, sitting in a coffee shop while black. All reflect incidents in which African-Americans were mistreated, assaulted or arrested for conduct that would be ignored if they were white. In schools, black kids are suspended and expelled at rates that vastly exceed the punishment of white children for the same behavior.

Inside courtrooms, the problem gets worse. Racial disparities in sentencing are found in almost every crime category. Children as young as 13, almost all black, are sentenced to life imprisonment for nonhomicide offenses. Black defendants are 22 times more likely to receive the death penalty for crimes whose victims are white, rather than black — a type of bias the Supreme Court has declared “inevitable.”

The smog created by our history of racial injustice is suffocating and toxic. We are too practiced in ignoring the victimization of any black people tagged as criminal; like Woods Eastland’s crowd, too many Americans are willing spectators to horrifying acts, as long as we’re assured they’re in the interest of maintaining order.

This cannot be the end of the story. In 2018, the Equal Justice Initiative, a nonprofit I direct, opened a museum in Montgomery, Ala., dedicated to the legacy of slavery and a memorial honoring thousands of black lynching victims. We must acknowledge the 400 years of injustice that haunt us. I’m encouraged: Half a million people have visited. But I’m also worried, because we are at one of those critical moments in American history when we will either double down on romanticizing our past or accept that there is something better waiting for us.

I recently went to New Orleans to celebrate the release of several of our Angola clients, including Matthew — men who survived the fields and the hole. I realized how important it is to stay hopeful: Hopelessness is the enemy of justice. There were moments of joy that night. But there was also heaviness; we all seemed keenly aware that we were not truly free from the burden of living in a nation that continues to deny and doubt this legacy, and how much work remains to be done.

Bryan Stevenson is the executive director of the Equal Justice Initiative and the author of “Just Mercy: A Story of Justice and Redemption.”

Black-on-black crime, black-on-black punishment in America

 [independent.co.uk/news/long_reads/martin-luther-king-racism-obama-civil-rights-rodney-king-black-panthers-james-forman-a7705636.html](https://www.independent.co.uk/news/long_reads/martin-luther-king-racism-obama-civil-rights-rodney-king-black-panthers-james-forman-a7705636.html)

April 29, 2017

James Forman can be quite irritating. When he goes to the movies with his friends, he will invariably come out again muttering, "But where have all the black people gone?" "Yeah," his companions say, "but what did you think of the movie?" Now he is being even more irritating: his book, *Locking Up Our Own: Crime and Punishment in Black America*, which has just been published in the US, puts the black people back in, in more ways than one. He is a bespectacled 49-year-old black lawyer born in New York, who teaches at Yale University Law School, "a child of the Civil Rights" as he describes himself, and also the son of the James Forman, who was a Black Panther and co-wrote the *Black Manifesto*.

The story that we already knew: black people have been imprisoned rather a lot. Over the past couple of decades, America has succeeded in becoming the biggest prison on the planet, easily surpassing China and Russia. Mass incarceration in America has put 2.2 million people behind bars; an ever increasing number are people of colour. When I taught a class at Sing Sing prison, in upstate New York, the prisoners were all black or Hispanic. I was the only white guy in the room.

The statistics are mind-blowing: something like one in three young black men in the country will be put away at some point in their lives; in Washington DC, the figure is more like one in two.

All the above, though horrifying, is well established. But the thing that James Forman, in his irritating way, would like to point out is that many of the people who put them there are also black. Since the Civil Rights era, African Americans have for the first time been involved in the judicial system as something other than victims and jailbirds: they are also judge, prosecutor, even executioner. They have become complicit in what he calls the tough-on-crime "American mindset", in which the solution to every problem is fondly imagined to be more law enforcement. He has said what no one else hitherto has dared to say, that the concept of black-on-black crime has to be supplemented by the facts of black-on-black punishment.

"I'm not letting white people off the hook either," he points out, fairly enough. His book is a breakthrough and has caused something of a sensation in the US. I meet him at a "luncheon" organised by New York University, at the Institute for Humanities, where a lot of white lawyers are raving about his book. "All the freshmen should be made to read this book," says one. Forman analyses the contradictions and ironies of a brutal system but he has enough experience, as a "public defender" for many years in Washington, to have witnessed many specific individual cases at close quarters.

One day back in 2007, Forman found himself defending a 15-year-old black youth called Brandon. He had been caught carrying marijuana and a gun. It was his first offence. Forman pleaded for probation. The prosecutor, who was black, wanted him put away. The judge, who was also black, gave him what Forman calls "the Martin Luther King speech". Which in a shortened form comes out something like this: "You think you had it hard, young man. Well, we had it a lot harder, under Jim Crow [the explicitly racist laws that made America practically an apartheid state until the mid-1960s]. Martin Luther King – and other civil rights activists – died so that you would have the freedom to choose. And yet you chose to deal drugs and carry a gun. Therefore you betrayed Civil Rights. And you are going down."

Forman realised at that point that something very strange was going on, hitherto undocumented. The fact is, as his very engaging and lucidly written book carefully explains, after Civil Rights, African Americans were recruited by the legal system in the US, in the form of police officers, as lawyers, as judges, and as mayors and legislators. There was a notion, as an idiom of the time – the 1970s – had it, that "black policemen do not shoot black jay-walkers".

What Forman discovered, trawling through a couple of decades of court archives, was that it was something like the opposite, and the immense phenomenon of mass black incarceration is partly the effect of black officers of the law cracking down ever harder on black offenders.

"In one respect [Forman writes], the century-long fight for police integration had succeeded. Its victory brought a prominent new set of voices to American criminal justice policy: those of the nation's dozens of black police chiefs. But many of those voices would propel, not constrain, an emerging tough-on-crime movement."

As Forman puts it, this blunt fact "complicates the narrative". "I kinda hate that word," he said, talking about the word complicate. "But it's right." The grand narrative that he was speaking about is, in its broad outlines, the Hegelian/Marxist master-slave narrative. It is the narrative that his father, James Forman senior, must have passed on to him when he was a child. There is a grand tradition, contained in blues songs and the works of WEB Du Bois, given forceful expression in the writing of James Baldwin and Eldridge Cleaver (*Soul on Ice*), in Malcolm X, perhaps too in the aphorisms of Muhammad Ali, and all the way through, more recently, to *Between the World and Me*, by Ta-Nehisi Coates, which says the following: there is a fundamental conflict between black and whites in America, which is the hangover of slavery, and which means that all the suffering and poverty of black people is the effect of a conspiracy by white people to keep them down. In their place. Which very often is in jail.

All of the above is very often true. And there is no shortage of examples of police brutality. But James Forman Jr has – in a rather Oedipal way – deconstructed his father's narrative and shown that it is not only white guys who are guilty of treating black people as if they were second-class citizens. This is a post-Panther narrative, revisionist history. Neither white nor black history, but something greyer, and more ironic. I recently witnessed an incident on 125th Street in Harlem which seemed to me to summarise the revisionist outlook. One young black guy came out of a shop and delivered a box of some kind to another young black guy waiting in a car at the kerbside. Having dropped off the box, he raised a fist in salute (exactly like Tommie Smith and John Carlos at the 1968 Olympics) and said: "Black Power, brother!" and the man in the car replied, "Black Power!". And they both laughed. Because, I think (a) there was kind of nostalgia, a recollection of the days of the Panthers and (b) the idea of a "Black Revolution", the dream of the Black Manifesto, has not come to pass in quite the way Forman senior foresaw.

Forman junior points out that it is not black people who are disproportionately hassled by the law: it is a specific class of African Americans: typically relatively uneducated blacks, living either in urban ghettos or poor rural communities. "If you're a black man born in the Sixties and a high school dropout, you are 10 times more likely to get locked up than if you graduate." And their jailers are often educated black people, with a high school qualification or a degree. Forman doesn't mention Frantz Fanon, but he could have done. Fanon was the psychologist from Martinique who analysed the imperial mindset and noticed that very often the colonised absorb, mimic or replicate the mentality of the colonisers. But what is the key to this mentality?

I was reading the Forman book on the subway when a young black guy, who had been reading it over my shoulder, asked me about it and we fell into conversation. He said his name was Ashanti, originally from the Caribbean, but now living in Brooklyn, and he was a Rastafarian who thought that African Americans should really be called "American Africans". He had been the victim of many a stop-and-frisk (he asked me how many times I had been stopped and searched – answer, zero). And he pointed the finger of blame at Christianity. When you analyse the "Martin Luther King speech", you have to say he has a point.

The sociologist Émile Durkheim argued that even in a society of saints you will have just the same ratio of crime because the standards will go up. He was wrong. The amount of crime and the number of criminals and the numbers of people being jailed will actually increase. This is one of the paradoxical effects of Civil Rights reforms. Most black prisoners are convicted for drug-related crimes. But when it comes to toning down drug legislation and decriminalising marijuana, for example, it is often black ministers, "reverends", or "pastors" who are the most vocal opponents. On moral grounds, in accordance with the essentially Christian morality of purity: drugs are a "cancer" or a "poison", etc, that must be "rooted out" or "cleansed" and must not be allowed to "infect" our young people. Mass incarceration comes under the heading of the "unintended consequences" reported by James Forman.

He doesn't let President Barack Obama off the hook either. Obama wanted to ease up on "non-violent offenders", but he was perfectly sanguine about ever tougher sentences for so-called "violent offenders". "I compliment him for trying to move the ball," Forman says. "But it's an unrealistic distinction. You could even argue that there is no such thing as non-violent crime, so therefore more people get caught up in punishment. Obama reinforced it."

Again there is a theological morality lurking in the mindset, even of someone like Obama. The most evangelical society on Earth is also the biggest prison. I went back to the Black Manifesto of James Forman senior, the Black Panther Forman. And I found that his analysis agreed with Ashanti. Back in 1969 the National Black Economic Development Conference was calling for "reparations" from churches and synagogues and advocating reading out the Black Manifesto in church in place of sermons. "We were kept in bondage and political servitude and forced to work as slaves by the military machinery and the Christian church working hand in hand."

Back in the Sixties, the Vietnam era, Forman Sr called for revolution. Forman Jr, in his contemporary, post-Panther perspective, argues that the current mania for imprisonment is the effect of a gradual "ratcheting-up" of the system. And the only way out is to "ratchet it down again". He isn't blaming either black or whites. "We are all responsible," he says. "No one gets a pass."

Fair comment. But I couldn't help noticing the white, smooth, smug, silver-haired Christian evangelist on TV showing at the gym on 125th street the other day. "I'm a pragmatist," he said, "I want to be blessed." Cue beatific smile. He explained that he was looking forward to the "Rapture" when he and fellow believers would be "caught up" and carried off to heaven. Partly as a consequence, intended or not, of the demand to be blessed, the only thing most black people can look forward to in America is capture and being caught up and carried off to prison. Or, as James Forman Sr put it, "belief in God hurts my people".

'Locking Up Our Own: Crime and Punishment in Black America' by James Forman Jr is out now, published by Farrar, Straus and Giroux

Andy Martin is the author of 'Reacher Said Nothing: Lee Child and the Making of Make Me' (Bantam Press, RRP \$14.99) Follow him @andymartinink

Offenses

Statistics based on prior month's data -- Last Updated: Saturday, 4 September 2021

Label	Offense	# of Inmates	% of Inmates
	Banking and Insurance, Counterfeit, Embezzlement	253	0.2%
	Burglary, Larceny, Property Offenses	7,308	5.0%
	Continuing Criminal Enterprise	285	0.2%
	Courts or Corrections	512	0.4%
	Drug Offenses	67,094	46.1%
	Extortion, Fraud, Bribery	7,250	5.0%
	Homicide, Aggravated Assault, and Kidnapping Offenses	4,571	3.1%
	Immigration	6,574	4.5%
	Miscellaneous	867	0.6%
	National Security	40	0.0%
	Robbery	4,582	3.1%
	Sex Offenses	16,249	11.2%
	Weapons, Explosives, Arson	29,944	20.6%

FEDERAL PRISONS
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8

The Bleak Truth Behind My 'Inspiring' Path From Oakland to Yale

theatlantic.com/education/archive/2019/09/i-went-yale-my-brother-went-prison/597730/

September 12, 2019

By Akintunde Ahmad

September 12, 2019

The day after my 18th birthday, I boarded a plane and left Oakland for Los Angeles, where I was to announce on national TV which university I planned to attend in the fall. It was April 22, 2014. The 45-minute flight was quick, and before I knew it, I was in the green room. Everybody was so kind; the atmosphere was cheerful. I waited backstage for my introduction.

"Despite living in the inner city, our next guest has made his own path to success, earning a 5.0 GPA and scoring a 2100 on his SATs. He has been accepted into *many* Ivy League schools and proves that, with hard work and support from family, anything is possible. From Oakland, California, please welcome 18-year-old Tunde Ahmad," Ellen DeGeneres proclaimed.

I gave Ellen a hug as I settled into the guest chair and started talking about how I'd learned to dance. I then shared a few details about my life and the steps I'd taken so that I—a kid from 98th Avenue, in East Oakland—could reach this privileged moment. I did my best to give a vivid sense not only of my years of hard work, but also of Oakland, the city I loved so much. With my parents beaming in the audience, I announced to the world that I'd be spending the next four years as a Bulldog; I was going to Yale. As Ellen began to talk about how expensive college would be, a man appeared onstage with a giant cardboard check from Shutterfly and gave me \$15,000 to help me pay for school.

Throughout my life, family, friends, and community members have rooted for me. But in this particular moment, my mind was focused on just one person: my older brother, Azeem, who was at FCI Herlong, a federal prison, where, the next day, when the *Ellen* episode aired, I thought that he and his friends there would be celebrating me, their "lil homie."

Ellen and I discussed how my brother had been shot during my junior year in high school. We quickly returned to positive conversation, not mentioning that right then, as I sat there on that stage, he was incarcerated. It was as though his life was a footnote in mine. But that's not the case at all: In the five years since, I've realized that the significance of our story lies in our diametric outcomes, understood together.

For my brother, the day that *Ellen* episode aired was no celebration. In a reflection he wrote the year after his release and later sent to me, Azeem described his memories of the scene in the federal prison. "I felt myself holding back tears," he wrote. "It was weird." He continued:

Part of it came from how happy I was for little bro, but the other part was me reflecting on what I was going through. I was listening to Ellen interview him but I was also taking in my current situation. All the blacks were fixated on the screen, happy for me and patting me on the back; other racial groups looked on with hatred because they realized that it was my little brother when a picture of the two of us appeared on the screen. It was probably the most bittersweet moment of my life. I'm locked down in a concrete refrigerator for human beings, being stored for years at a time in these khaki uniforms printed with shelving numbers. I'm only 22 years old, and I've been here for two years already, with nothing to do but read, work out, and wait to be released.

I know now that the media coverage of my rise from the Oakland Public School District to Yale was part of an annual tradition, when journalists write viral stories about high-school seniors from underrepresented backgrounds who gained admission to the nation's most elite colleges, as one local reporter did about me.

In my case, the coverage focused on the juxtaposition of me and my brother, who was invoked as a stand-in for some stereotype of black men in America. How was it that he was incarcerated in federal prison, his body wounded by bullets fired from an AK-47, while I was choosing among top-tier universities?

In the comments sections below YouTube videos about me, the takeaway I most despised was thriving. "This is evidence that there is no such thing as systemic racism. Anybody willing to work hard enough can do anything in their lives," one commenter wrote. "I wish more black people were like this guy," another replied. To those who had this conclusion, I'm afraid you've missed the real story here, so let me try my best to tell it my way.

Read: How the war on drugs kept black men out of college

In 2012, during my sophomore year of high school, I got a call from my dad saying that my brother had been arrested. I was originally unclear about how and why he'd been taken into custody, but the Department of Justice later clarified: In a joint press release with the Oakland Police Department, it published the results of Operation Gideon III, a four-month effort to "target and remove violent offenders and to dismantle criminal organization and robbery crews operating in Oakland." Its aim was "aggressively combating violent crime perpetrated by career criminals." The operation resulted in the arrest of 60 suspects. My brother was one of them.

The operation was hailed as a success in the media; one headline read: "Operation Gideon III Nets 60 Arrests of the Worst Criminals." According to the coverage, my brother was something of a career criminal. This made no sense. At the time, he was just 19 years old, had graduated high school, and was working six days a week, alternating between day shifts at the Enterprise car-rental office and night shifts at UPS. He was living at home and saving money to start his own business. He had no criminal record.

So what was he arrested for? Azeem and a friend fell for an "opportunity" to make some money, an offer by someone they later learned was an undercover agent. In Azeem's telling, he and his friend weren't sure of what the job would be, but they showed up to see whether it was something they'd be

interested in. Once they arrived at the meeting and were asked to commit a robbery of a fictitious stash house, they got into Azeem's car to leave because, as he has always said, they didn't want any part of it. They were arrested as they were leaving. Federal agents had been surveilling Azeem and his friends for months, via phone taps, hidden cameras, and undercover agents. All they needed to do was provide evidence that he'd ever had knowledge of other criminal acts, or had made verbal agreements to commit a crime himself, regardless of whether he'd followed through with it. Prosecutors claimed that he knew about the robbery in advance, though Azeem says he did not.

He was charged with multiple counts, including conspiracy to distribute cocaine, conspiracy to commit robbery affecting interstate commerce, and possession of a firearm in furtherance of a drug-trafficking crime. Ultimately, he pleaded guilty to the count of conspiracy to commit robbery, because like many individuals in our penal system, he feared the possibility of serving a long sentence if he lost his case at trial. He accepted a sentence of 41 months in exchange for this plea.

I was later informed that my phone had also been monitored because my brother and I were on the same phone plan. How easy would it have been for me to have said the wrong thing in a message, or to have been riding in the car with my brother when they arrested him, or to have had any other minor slip-up that could have landed me in juvenile hall or prison? America's criminal-justice system catches kids like me on a daily basis.

Before my brother pleaded guilty, my family bailed him out on a house bond. That means we put a lien on our house through the court and signed an agreement that if my brother fled and didn't attend his mandatory court dates, the state could take our property. Though this never came to pass, the prospect demonstrates the criminal-justice system's potential detrimental effects on entire families' economic stability.

On a Sunday in January 2013, while still out on bail, my brother asked me if I wanted to attend a family friend's birthday party with him. I'd seen the friend the day before and had already wished her a happy birthday, so I decided to stay home and write an essay for my Advanced Placement U.S. History class instead. Around 7:30 p.m., I received a call that my brother had been shot when someone opened fire onto the porch where he and his friends were sitting. Five were wounded. Luckily, there were no fatalities. We still to this day do not understand what prompted the shooting.

The next month, his bail was revoked after failed drug tests, among other violations of his pretrial release agreement. Azeem had been out on bail for almost 10 months without having any bail-revoking infractions, and he says that the drugs he tested positive for were prescribed to him by his doctor as pain relief for his gunshot wounds. He was sent back to prison.

For black boys growing up in urban environments, staying out of the penal system is no easy task—not because we're inherently troublesome, but because we are targeted by policies and tactics, such as Operation Gideon, that are meant to send us away. One mistake, and your entire life can be altered forever.

The fact is, my brother and I are far more similar than we are different. We are four years apart, but we grew up under the same roof, with the same two parents. We attended the same Oakland public schools, and played baseball and basketball on the same teams. Our parents instilled the same values

in us, taught us both about the history of the black diaspora, and gave us both African names to reclaim our heritage and culture.

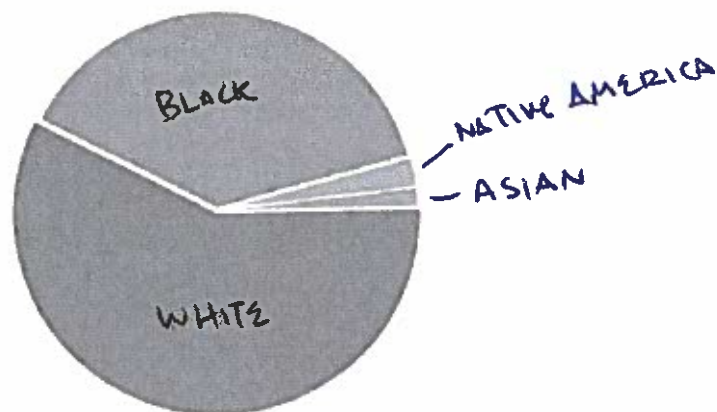
We are similarly intelligent, both academically and socially. Given the chance, Azeem would also have done well at Yale. Upon meeting us today, a stranger would have difficulty telling who had the Ivy League degrees (I later went to Columbia for graduate school) and who was formerly incarcerated. But for the rest of our lives, he will be stripped of certain privileges, while I will not. It isn't because he was some monstrous person out to wreak havoc on the world. He was a 19-year-old kid, caught by a system designed to catch him. Since his release from prison, Azeem has become a dog breeder, and is now venturing into real estate.

People look at my story and applaud me and wonder what I did to "beat the odds." I wish they were more curious about why my brother did not. I wish they would ask, "What trap lay before this talented, bright boy so that he was bound to fall into it?" I wish they would see how difficult it is to grow up a black man in America.

My story is told as though it is a positive one, inspirational. But I see it as a grim one, the tale of a harsh reality that wrecks people. There is nothing positive about classifying me as an exception. When a person is exceptional for doing what I have done, the whole system is cruel to its core.

Inmate Race (USA.gov)

Statistics based on prior month's data -- Last Updated: Saturday, 4 September 2021



	Race	# of Inmates	% of Inmates
<input type="checkbox"/>	Asian	2,329	1.5%
<input type="checkbox"/>	Black	59,314	38.2%
<input type="checkbox"/>	Native American	3,816	2.5%
<input type="checkbox"/>	White	89,991	57.9%

SOURCE: JUSTICE DEPT. FEDERAL PRISON POP.

Glenn C. Loury

Crime, inequality & social justice

Crime and punishment are certainly contentious topics, and the authors gathered in this issue do not always agree with one another. For my own part, I must confess to having a personal stake in this issue. As an African American male, a baby boomer born and raised on Chicago's South Side, I can identify with the plight of the urban poor because I have lived among them. I am tied to them by the bonds of social and psychic affiliation. I myself have passed through the courtroom and the jailhouse on my way along life's journey. I have twice been robbed at gunpoint. I have known – personally and intimately – men and women who lived their entire lives with one foot on either side of the law. Whenever I step to a lectern to speak about incarceration, I envision voiceless and despairing people – both offenders and victims – who would have me speak on their behalf. Of course, personal biography has no authority to compel agreement about public policy. Still, I prefer candor in such matters to a false pretense of clinical detachment and scientific objectivity. While I recognize that these revelations will discredit me in some quarters, that is a fate which I can live with. Allow me to share a few

critical observations of my own about crime, inequality, and social justice.

One principal point of disagreement among contributors to this volume has to do with how the fact of mass incarceration relates to the social problem of crime. Mark Kleiman claims that mass incarceration is only a partial problem definition; the other part of the problem is crime. This stance is in sharp contrast to that of Loïc Wacquant, who insists that “hyperincarceration” (his preferred term, since only those living in the lower social strata face much risk of imprisonment) isn't really about crime at all. Rather, he says, it's about “managing dispossessed and dishonored populations.” There is merit in both viewpoints. There can be no doubt that public ideas about crime – especially fears of violent victimization – have fueled the imprisonment boom. To speak of a crisis of mass imprisonment without reference to crime is, indeed, to address only one part of the problem. After all, declarations of “war” against crime (and, most noticeably, against *criminals*) are a primary means by which political aspirants now signal their bona fides to their electorates. The long upward trend in crime rates from the mid-1960s to the early 1980s “primed the penal pump” by hardening attitudes and discrediting liberal criminal justice

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policies. It is certainly the case, therefore, that the steep rise of imprisonment in the United States is closely intertwined with the social experience and political salience of crime in American life. We cannot understand the one without thinking carefully about the other. Nor can we persuade voters to undo the one without addressing their concerns about the other.

Yet evidence suggests that changes over time in the scale of incarceration have not been caused in any direct way by changes in the extent of criminal behavior. Indeed, linkages between prisons and crime have been anything but simple and direct. Prison populations have been on the rise steadily for more than three decades. However, crime rates increased in the 1970s; fell, then rose again in the 1980s; and increased before sharply decreasing again in the 1990s. For two generations, crime rates have fluctuated with no apparent relationship to a steady climb in the extent of imprisonment. Today, with prison populations as large as they have ever been in American history, crime rates are about the same as they were in 1970, when a then-falling U.S. prison population reached its lowest level in a generation. Prisons and crime cannot be rightly understood simply as opposite sides of the same coin. Incarceration does not exhaust the available means of crime control. Nor does criminal offending directly explain the profound *qualitative* institutional transformation that we have witnessed in the United States over the past two generations.¹

Further, the trend of racial disparity in imprisonment rates cannot be accounted for as a consequence of changes in rates of offending over time. Crime rates, especially for violent offenses, have always been higher among African Americans than whites in the United States. This long-term disparity goes far toward explaining the historical fact of greater im-

prisonment for African Americans. Certainly there is little doubt that those who commit violent crimes should be punished, regardless of race. If more African Americans commit such offenses, more will be imprisoned, and no issues of impropriety would be raised thereby. Yet it is significant that the racial disparity of imprisonment rates has increased dramatically since the prison boom began, largely because of the "war on drugs." African Americans were vastly overrepresented among persons incarcerated for drug offenses during the 1980s and 1990s, even as African Americans were no more likely to be using or selling drugs than whites. Moreover, despite a sharp drop in violent crime rates, starting in the early 1990s and extending to the present, racial differences in imprisonment rates have begun a slight decline only in the last few years.

As for the links between imprisonment and public safety, the widely held notion that one prevents crime by incapacitating criminals is simplistic. It fails to take account of the fact that for many crimes – selling drugs, for instance – incapacitated criminals are simply replaced by others, there being no shortage of contenders vying for a chance to enter the illicit trade. (It also ignores the reality of criminal victimization within prisons – no small matter.) Furthermore, by adopting a more holistic view of the complex connections between prisons and communities, we can immediately recognize the significance of the fact that almost everyone who goes to prison is eventually released, most after just two or three years. Evidence suggests that for these hundreds of thousands of ex-offenders released each year, time behind bars will have *diminished*, not enhanced, their odds of living crime-free lives: by lowering employability, severing ties to communal supports, and hardening attitudes.

Thus, the impact of high incarceration rates on the sustainable level of public safety over the long term is ambiguous. The fact – amply demonstrated for the case of Chicago by Robert Sampson and Charles Loeffler in this volume – that incarceration in large American cities is so highly concentrated means that the ill effects of having spent time behind bars may diminish the social opportunities of others who reside in the most heavily impacted communities and who themselves have done nothing wrong. Spatial concentration of imprisonment may foster criminality because it undermines the informal social processes of order maintenance, which are the primary means of sustaining pro-social behavior in all communities. In some poor urban neighborhoods, as many as one in five adult men is behind bars on any given day. As the criminologist Todd Clear has written, “[T]he cycling of these young men through the prison system has become a central factor determining the social ecology of poor neighborhoods, where there is hardly a family without a son, an uncle or a father who has done time in prison.”² This ubiquity of the prison experience in poor, minority urban neighborhoods has left families in these places less effective at inculcating in their children the kinds of delinquency-resistant self controls and pro-social attitudes that typically insulate youths against lawbreaking. As Clear concludes from his review of the evidence, “[D]eficits in informal social controls that result from high levels of incarceration are, in fact, crime-promoting. The high incarceration rates in poor communities destabilize the social relationships in these places and help cause crime rather than prevent it.”

The relationship between prison and public safety is complicated in view of the fact that “what happens in San Quen-

tin need not stay in San Quentin.” Nor does the evidence afford us much comfort in the thought that, at the very least, a threat of imprisonment will deter future would-be offenders from breaking the law. Among children exposed to an incarcerated parent or sibling – youngsters who can be assumed to have firsthand knowledge of the penalties associated with law-breaking – the likelihood of their eventual incarceration is actually higher, not lower, than is the case for otherwise comparable children with no such exposure, which attests to the weakness of the deterrent effect of the sanction. Furthermore, in a careful review of the econometric evidence on this question, economist Steven Durlauf and public policy expert Daniel Nagin conclude:

The key empirical conclusion of our literature review is that there is relatively little reliable evidence for variation in the severity of punishment having a substantial deterrent effect, but there is relatively strong evidence that variation in the certainty of punishment has a large deterrent effect. . . . One policy-relevant implication of this conclusion is that lengthy prison sentences, particularly in the form of mandatory minimum type statutes such as California’s Three Strikes Law, are difficult to justify on a deterrence-based crime prevention basis.³

Disparities by social class in this punishment binge are enormous, and they have far-reaching and often deleterious consequences for the families and communities affected. The prisoners come mainly from the most disadvantaged corners of our unequal society; the prisons both reflect and exacerbate this inequality. The factors that lead young people to crime – the “root causes” – have long been known: disorganized childhoods, inadequate educations, child abuse,

limited employability, delinquent peers. These are factors that also have long been more prevalent among the poor than the middle classes, though it has for some time been unfashionable to speak of “root causes.” Nevertheless, as Bruce Western stresses in his comprehensive empirical survey of this terrain, “punishment” and “inequality” are intimately linked in modern America, and the causality runs in both directions.⁴

Racial disparities in the incidence of incarceration are also huge. The subordinate status of African American ghetto-dwellers – their social deprivation and spatial isolation in America’s cities – puts their residents at great risk of embracing the dysfunctional behaviors that lead to incarceration. Also, it is quite clear that punishment policies serve expressive, not merely instrumental, ends. Americans have wanted to “send a message,” and have done so with a vengeance. In the midst of such dramaturgy – necessarily so in America – has lurked a potent racial subplot. Inequalities by race in the realm of punishment exceed those found in just about any other arena of American social life: at roughly seven to one, the black-white ratio of male incarceration rates dwarfs the two to one ratio of unemployment rates, the three to one nonmarital child-bearing ratio, the two to one black-white ratio of infant mortality rates, and the one to five ratio of net worth. (The homicide rate is a noteworthy exception to this generalization about racial disproportions. For twenty- to twenty-nine-year-old males, the black-white ratio has been in the neighborhood of ten to one in recent years.) It is of some political significance that, for young African American men, coercion is the most salient feature of their encounters with the American state. In this issue, Bruce Western and Becky Pettit report that more African American male high school dropouts

are held in prisons than belong to unions or are enrolled in any (other) state or federal social welfare programs. They estimate that nearly 70 percent of African American male dropouts born between 1975 and 1979 will have spent at least one year in prison before reaching the age of thirty-five.

Given the scale of imprisonment for African American men, and the troubled history of race relations in this country, it can be no surprise that some observers see the advent of mass incarceration as the catalyst for a new front in the long, historic, and still incomplete struggle for racial justice.⁵ Because history and political culture matter, considering the factor of race is crucial to a full understanding and evaluation of our current policy regime. It is true that slavery ended a long time ago. But it is also true that an ideology of racial subordination accompanied the institution of African slavery, and this racial ideology has cast a long shadow. Thus, in his recently published history of the entanglement of race with crime in American political culture at the turn of the twentieth century,⁶ historian Khalil Muhammad contrasts the treatment of two related, but differently experienced, phenomena: crime by newly arrived European immigrants and crime by African Americans. Looking at the emergent statistical social-science literatures of that period, Muhammad makes clear that the prevailing ideological climate in the United States at that time led analysts and critics to construe the many problems of urbanizing and industrializing America in distinct ways. In essence, poor, white city-dwelling migrants were understood to be committing crimes, but the poor African Americans migrating to those same cities were seen as inherently criminal.

Our unlovely history of race relations is linked to the current situation, both as a matter of social causation – since the

structure of our cities, with their massive racial ghettos, is implicated in the production of deviancy among those living there – and as a matter of ethical evaluation – since the decency of our institutions depends on whether they comport with a narrative of national purpose that recognizes and seeks to limit and to reverse the consequences of history’s wrongs. It is certainly arguable (take Loïc Wacquant’s essay in this volume, for example) that managing social dysfunction via imprisonment has now become the primary instrument for reproducing racial stratification in American society.

What does all this tell us about our purportedly open and democratic society? What manner of people do our punishment policies reveal us Americans to be?

Just look at what we have wrought. We have established what, to many an outside observer, looks like a system of social caste in the centers of our great cities. I refer here to millions of stigmatized, feared, and invisible people. The extent of disparity between the children of the middle class and the children of the disadvantaged to achieve their full human potential is virtually unrivaled elsewhere in the industrial, advanced, civilized, free world. And it is a disparity that is apparently taken for granted in America.

I see the broader society as implicated in the creation and maintenance of these damaged, neglected, feared, and despised communities. People who live in these places know that outsiders view them with suspicion and contempt. The plain historical fact is that North Philadelphia, the West Side of Chicago, the East Side of Detroit, or South Central Los Angeles did not come into being by accident or because of some natural processes. As Wacquant emphasizes in this issue, these social formations are man-made struc-

tures that were created and have persisted because the concentration of their residents in such urban enclaves serves the interests of others. The desperate and vile behaviors of some of the people caught in these social structures reflect not merely their personal moral deviance, but also the moral shortcomings of our society as a whole. Yet many Americans have concluded, in effect, that those languishing at the margins of our society are simply reaping what they have sown. Their suffering is seen as having nothing to do with us – as not being evidence of broader, systemic failures that can be corrected through collective action. As a consequence, there is no broadly based demand for reform – no sense of moral outrage, anguished self-criticism, or public reflection – in the face of what is a massive, collective failure. American political culture, it seems, accepts as credible no account of personal malfeasance other than the conclusion that the offending individual is unworthy.

The legal scholar William Stuntz has recently called attention to the close connection in American history between local control, democratic governance, and inequalities of punishment.⁷ He suggests, persuasively in my view, that increases in the severity and inequality of American punishment have mainly been due to a shift over the course of the twentieth century in the ways that crime and punishment policies are formulated. Because caseloads have grown alongside reliance on plea bargaining, prosecutors have gained power at the expense of juries; because a thicket of constitutional protections has been elaborated, federal appellate judges exert more influence than trial judges; because of population decentralization trends in large urban areas – with judges now elected mostly on county-wide ballots and police no longer drawn preponderantly from the

communities where they make arrests – suburban and ex-urban voters now have a good deal more to say than do central-city residents about crime control policies, even though they are less affected by those policies.

The law, Stuntz argues, has grown more extensive in its definition of criminality and has left less room for situational discretion. Alienation of urban populations from democratic control over the apparatus of punishment has resulted in more inequality and less leniency. There is too much law and too little (local) politics. Local populations bear the brunt of the misbehavior by the lawbreakers in their midst. Yet, at the same time, they are closely connected to lawbreakers via bonds of social and psychic affiliation. Mass incarceration is a political not a legal crisis, one that arises from a disjunction between the “locus of control” and the “locus of interests” in the formulation of punishment policies.

Following Stuntz, I wish to suggest that punishment, rightly construed, is a communal affair; and that an ambiguity of relationship – involving proximity to both sides of the offender-victim divide and a wealth of local knowledge combined with keen local interests – is essential to doing justice. Viewed in this light, hyperincarceration and the (racial) inequalities that it has bred are more deeply disturbing because urban minority communities, where both the depredations of crime and the enormous costs of its unequal punishment are experienced, have effectively been divorced from any means of influencing the administration of criminal justice.

To the extent that the socially marginal are not seen as belonging to the same general public body as the rest of us, it becomes possible to do just about anything with them. Yet, in my view, a pure ethic of *personal responsibility* could never pro-

vide an adequate foundation for justifying the current situation. In making this claim, I am not invoking a “root causes” argument (he did the crime, but only because he had no choice) so much as I am arguing that society as a whole is implicated in the offender’s choices. We have acquiesced in structural arrangements that work to our benefit and the offender’s detriment and that shape his consciousness and sense of identity such that his choices, which we must condemn, are nevertheless compelling to him.

In his influential treatise, *A Theory of Justice*, the philosopher John Rawls distinguishes between principles that should govern the distribution of primary goods in society and the very different principles that should determine the distribution of the “negative good” of punishment. He explicitly states that justice in the distribution of economic and social advantages is “entirely different” from justice in the realm of criminal punishment. He even refers to “bad character” as relevant to punishment.⁸ As I understand Rawls, his famous “difference principle” – arrived at in “reflective equilibrium” from his hypothetical “original position” – presupposes the moral irrelevance of the mechanisms by which inequalities emerge. (For example, Rawls sees “ability” as a morally irrelevant trait, a manifestation of luck. So, unequal individual rewards based on differences in ability cannot be justified on the grounds of desert.) Yet because he does not see the mechanisms that lead to disparities of punishment as being morally irrelevant, he would not apply the difference principle when assessing the (in)justice of such inequalities, since they are linked to wrongdoing.

In my view, justice is complex because the consequences wrought by our responses to wrongdoing also raise questions of justice. The phrase “Let justice

be done though the heavens may fall” is, for me, an oxymoron; no concept of justice deserving the name would accept mass suffering simply because of blind adherence to an abstract principle (such as “do the crime, and you’ll do the time”). It is common for ethicists to say things such as “social welfare should be maximized subject to deontological constraints,” meaning that actions like distributing body parts taken from a healthy person to render ten other persons healthy cannot be morally justified. But this conviction should go both ways: abstract moral goals should be subjected to constraints that weigh the consequences induced by such pursuits. In the realm of punishment, retribution against offend-

ers and notions of deserved punishment exemplify deontological principles. But even if current incarceration policies perfectly embodied these principles (and that is an eminently dubious proposition), it still would not be sufficient to justify such rigid adherence to moral obligation. For the reason that the effects of mass incarceration – on families and communities that may themselves have done nothing wrong – can cause sufficient harm, the principled claims that punishment is deserved should not be allowed to dictate policy at whim. A million criminal cases, each one rightly decided, can still add up to a great and historic wrong.

ENDNOTES

- ¹ For an illuminating exploration of the deeper roots of this transformation, see David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society* (Chicago: University of Chicago Press, 2001).
- ² Todd R. Clear, *Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse* (New York: Oxford University Press, 2009), 10.
- ³ Steven Durlauf and Daniel Nagin, “The Deterrent Effect of Imprisonment,” unpublished working paper (University of Wisconsin-Madison, March 2010).
- ⁴ Bruce Western, *Punishment and Inequality in America* (New York: Russell Sage, 2006).
- ⁵ See Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness* (New York: New Press, 2010).
- ⁶ Khalil Gibran Muhammad, *The Condemnation of Blackness: Race, Crime, and the Making of Modern Urban America* (Cambridge, Mass.: Harvard University Press, 2010).
- ⁷ William Stuntz, “Unequal Justice,” *Harvard Law Review* 121 (8) (June 2008): 1969 – 2040.
- ⁸ The full quote from Rawls is: “It is true that in a reasonably well-ordered society those who are punished for violating just laws have normally done something wrong. This is because the purpose of the criminal law is to uphold basic natural duties, those which forbid us to injure other persons in their life and limb, or to deprive them of their liberty and property, and punishments are to serve this end. They are not simply a scheme of taxes and burdens designed to put a price on certain forms of conduct and in this way to guide men’s conduct for mutual advantage. It would be far better if the acts proscribed by penal statutes were never done. Thus a propensity to commit such acts is a mark of bad character, and in a just society legal punishments will only fall upon those who display these faults”; John Rawls, *A Theory of Justice*, rev. ed. (1971; Cambridge, Mass.: Belknap Press of Harvard University Press, 1999), 314 – 315.

January 2019

Mike DeWine, Governor

Stuart Hudson, Interim Director

www.drc.ohio.gov

Institutions

Number of Institutions	27
Male	24
Female	3

*Includes 2 Privately Operated Male Institutions

*The Franklin Medical Center currently house male and female offenders on different compounds.

Population by Custody Level

Level 1	33.70%	Level 2	35.70%
Level 3	24.70%	Level 4	3.45%
Level 5	2.40%	Death Row	0.30%

Admissions CY 2017

	18,626
Total Population	
Male	91.81%
Female	8.19%
White	51.75%
Black	45.08%
Other	3.14%

Age Range of Offender Population

Average Age	38.01
Male	38.83
Female	36.00

Average Stay in Prison	2.59
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Death Row

Male	139	Female	1
White	57	Other	2
Black	80		

Executions Since February 1999	56
Executions Calendar Year to Date	1

Statistics of Interest

Highest Inmate Population	11/10/2008	51,273	
Inmates Under 18 Years of Age		37	
Male	42	Female	0

Inmate Releases

* Total CY 2017	24,028
Releases to Supervision	16,943
By Parole Board	116
To Post Release Control	9,825
To Transitional Control	4,712
To Judicial Release	2,290
Releases without Supervision	7,085

* Number does not equal sum due to misc. release types

Adult Parole Authority**Monthly Supervision Count**

Total Offenders Under Supervision	37,155
PRC/Parole	20,193
Transitional Control	1,631
Community Control	8,488
Interstate Compact	4,125
Other (Judicial Release/Treatment in Lieu)	2,202
80% Judicial Release	10
Risk Reduction	118

Staff Profile

Total Staff	12,225
Total Corrections Officers (CO)	6,618
Inmate To Correction Officer Ratio	6.7:1
Total Parole Officers (PO)	496

Fiscal & Budgets

Total Budget	FY2016	\$1,689,716,388
	FY2017	\$1,770,550,320
	FY 2018	\$1,823,007,660

Average Cost Per Inmate

	Daily	\$78.47
	Annual	\$28,640.97

Ohio Penal Industries

# of Inmates Working for OPI	1,452
Revenue for Feb 2018	\$2,820,414.91

Pregnant Females	33
Babies in the ABC Nursery	7
Inmates Serving Life Without Parole (LWOP)	662

New Research Finds That Prosecutors Give White Defendants Better Deals Than Black Defendants



slate.com/articles/news_and_politics/jurisprudence/2017/10/new_research_finds_that_prosecutors_give_white_defendants_better_deals_than.html

Jenn Rolnick Borchetta, Alice Fontier

Slate

Two officers escorted a young black man into the courtroom, bringing him in handcuffs from a holding cell in the back called “the pen.” They placed him beside his public defender and stepped away. So far, things were routine.

The prosecutor had offered the man a plea deal of probation, and he indicated that he would accept. In a scene that plays out dozens of times a day in the Bronx Criminal Court, the judge ran through a constitutionally required script.

She explained what it means to accept a prosecutor’s plea offer: that he was giving up his right to a trial; he was admitting guilt; he could not change his mind. The judge asked, as she must: “Is anyone forcing you to accept this plea today?” At this point, most people quietly say “no.” But the man responded “yes,” he was being forced to accept the plea.

Refusing to accept meant facing the strong arm of prosecution and potentially going to prison for years. He protested that he had no real choice. Three court officers surrounded him. The judge repeated the question: “Is anyone forcing you to accept this plea today?”

This time, flanked by officers, he said no. A few minutes later, he walked out a free man, but he now had a criminal conviction and the oversight and constraints that come with probation.

Countless people like this young man face tremendous pressure to accept a prosecutor’s plea offer. And most criminal punishment results—not from a trial by a jury of your peers—but in convictions imposed through plea deals. Against this backdrop, a new study showing racial bias in the plea bargaining process demands attention and action.

A new study from Carlos Berdejó of Loyola Law School demonstrates for the first time that there are significant racial disparities in the plea deals white and black people receive on misdemeanor charges—with black people facing more severe punishments.

Berdejó analyzed 30,807 misdemeanor cases in Wisconsin over a seven-year period and found that white people facing misdemeanor charges were more than 74 percent more likely than black people to have all charges carrying potential prison time dropped, dismissed, or reduced. And white people with no criminal history were substantially more likely to have charges reduced than black people who had no criminal history.

This suggests, as Berdejó concludes in his report, that prosecutors use race to judge whether a person is likely to recidivate when deciding what plea to offer.

Countless people like this young man face tremendous pressure to accept a prosecutor's plea offer.

Prior studies have found racial disparities in the plea bargaining process. The Berdejó study differs, however, in that it analyzes a detailed statewide data set of the entire life of criminal cases, from charging to sentencing, making it more reliable and expansive.

The majority of arrests nationally are for misdemeanor charges. At The Bronx Defenders, where we provide public defense services to low-income people in the Bronx, New York, we had more than 18,000 new misdemeanor cases in 2016 alone. That was more than three-quarters of our cases, and about half of all cases that we closed last year resulted in plea deals.

If there are racial disparities in pleas in misdemeanor cases that lead to worse punishment of black people, it means a significant proportion of our criminal justice system is meting out punishment in a racially biased manner.

Prosecutors wield enormous power and total discretion in deciding whether and how to charge people, whether to request pre-trial detention or money bail, and what plea to offer. One factor guiding this decision is whether the attorney believes the person will be held on bail. Frequently, people charged with misdemeanors accept pleas just to go home.

A young black man from the South Bronx, one of the poorest congressional districts in the country, may have almost no chance of paying bail, so the only option is a criminal record and probation. Contrast that to a wealthier white man who knows that if the judge sets bail he can pay his way out. This man has no pressure to accept a plea, and his lawyer can investigate his case and negotiate a better plea.

Immediate interventions could stem racial disparities in pleas. New York must eliminate money bail for misdemeanors to end the threat of pretrial incarceration that disparately extracts guilty pleas. Prosecutors should state the reasons for plea offers on the record to create transparency and be required to collect and share data about their offers to expose any disparities. It is only through established facts and data that we can educate prosecutors and judges, as well as work to combat implicit and overt bias.

Prosecutors have virtually unchecked power in the plea bargain process. It's the power to take away freedom, destroy livelihoods, and tear families apart. Ultimately, it's the power to devastate low-income communities already suffering from aggressive and discriminatory law enforcement tactics. In a place like the Bronx, unfair police and prosecutor practices combine to create a situation in which nearly all of the people facing criminal charges are black or brown men, even though one-third of the population is white.

Community Supervision Marked by Racial and Gender Disparities

[pewtrusts.org/en/research-and-analysis/articles/2018/12/06/community-supervision-marked-by-racial-and-gender-disparities](https://www.pewtrusts.org/en/research-and-analysis/articles/2018/12/06/community-supervision-marked-by-racial-and-gender-disparities)

Across the 50 states and the District of Columbia, 4.5 million people are on probation or parole—twice the incarcerated population, including those in state and federal prisons and local jails. Virtually all demographic groups are represented in the community supervision population. However, people of color, particularly African-Americans, and men are disproportionately represented.

Many state lawmakers seeking to reduce the scale and boost the public safety value of community corrections systems are motivated to investigate the significant disparities in supervision populations, make needed improvements, and track performance for evidence of progress.

African-Americans and Men Are Overrepresented in Probation and Parole

Community supervision rates, total and by race and sex, 2016

Total:

1 in 55



Male:

1 in 35



White:

1 in 81



Female:

1 in 124



Black:

1 in 23



Note: The Bureau of Justice Statistics provides only demographic data related to race/Hispanic origin and sex. The data do not allow for exploration of the relationship among those variables.

Sources: Bureau of Justice Statistics, Annual Probation Survey, and Annual Parole Survey, 2016; U.S. Census Bureau, Population Division, Estimates of the Total Resident Population and Resident Population Age 18 Years and Older for the United States, States, and Puerto Rico; July 1, 2016

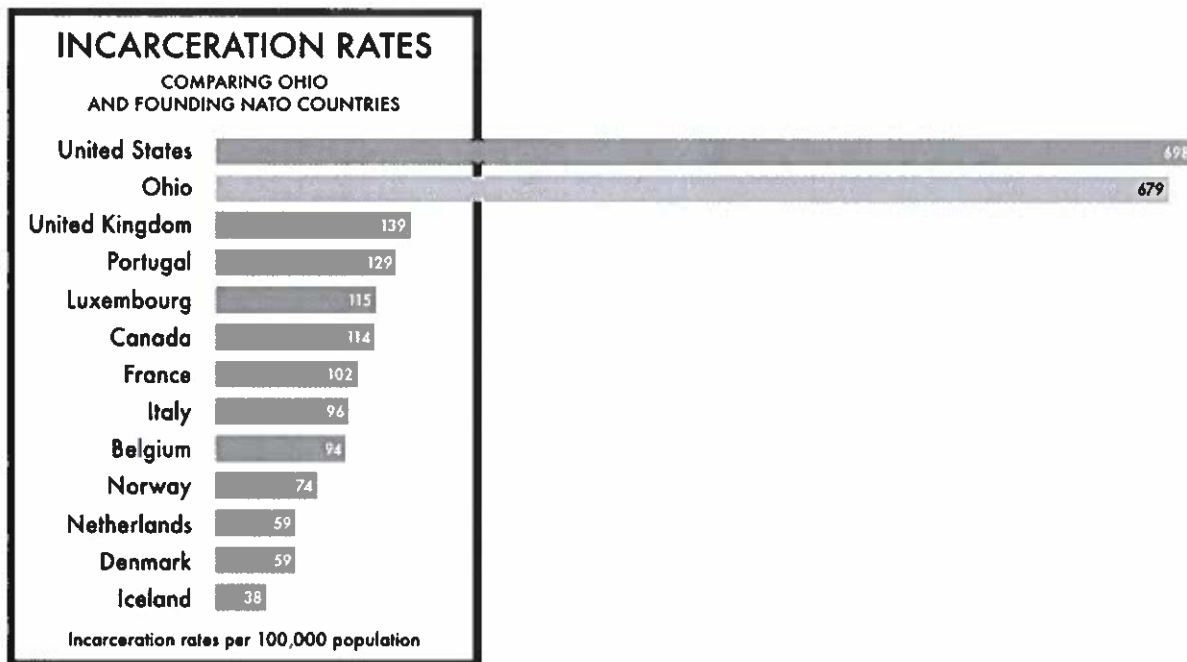
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The racial gap resembles that in incarceration: Black adults are about 3.5 times as likely as whites to be supervised, and although African-Americans make up 13 percent of the U.S. adult population, they account for 30 percent of those on probation or parole. In addition, although federal data do not indicate disproportionate representation of Hispanics in community corrections, many states do not report ethnicity data, so Hispanics under supervision are undercounted.

Imbalances also exist among females and males under supervision. Men are supervised at a rate about 3.5 times that of women. However, the number of women under supervision has nearly doubled from 520,000 in 1990 to more than 1 million at the end of 2016. As a result, women accounted for one-quarter of the probation population and 1 in 8 parolees by 2016.

Along with the immense growth and scale of probation and parole and a stubbornly high failure rate that accounts for a substantial share of prison admissions, the discrepancies in sex and race highlight a need for a new approach to community supervision that shifts the purpose from punishing failure to promoting success.

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Source: <https://www.prisonpolicy.org/global/2018.html>

In the U.S., incarceration extends beyond prisons and local jails to include other systems of confinement. The U.S. and state incarceration rates in this graph include people held by these other parts of the justice system, so they may be slightly higher than the commonly reported incarceration rates that only include prisons and jails. Details on the data are available in States of Incarceration: The Global Context. We also have a version of this graph focusing on the incarceration of women.