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US Prisons Are Dangerous to the Public's Health

THE UNITED STATES, THE NATION THAT LOVES PRISONS

Crime rates had been stable in the US for the 15 years between 1980 and 1995 during a rapid rise in the incarceration rate (100/100,000 to 370/100,000). The current 2007 US rate of incarceration is the highest in the world having skyrocketed to 726/100,000. In comparison Russia ranking second is at 675/100,000, while Europe has rates from 40 in Italy to 125/100,000 in the UK. With only 5% of the world's population the US holds 25% of its prisoners. More than 2.2 million are behind bars. More are in US prisons than in all of China with four times the US population. 50% are behind bars for non-violent offenses. In the age group of 25-29 year old men 8.1% of black men are incarcerated, as are 2.6% of the Hispanics and 1.1% of the whites. For black people the rate of incarceration is 4,630/100,000. Blacks are 15% of the illicit drug users in the US, but comprise 37% of those arrested for drug use.

More that \$40 billion is spent on incarceration every year in the US. In 1980 the US spent 28 cents on prisons for every dollar spent on higher education. Now that figure is 60 cents.

It is important to remember that the prosecution and detention system is only one factor in determining the crime rate. Prisons have less to do with the volume of crime than the unemployment rate and the number of men in the population between the ages of 19 and 26. Only 1-2% of those arrested for property crimes are convicted of anything (20% for assault and 40% for homicide). Most crimes remain unsolved. The likelihood of punishment as a deterrent ranks behind the unemployment rate and young male population numbers in determining the crime rate.

There were very specific forces that lead the US in going from an incarceration rate in 1980 that was comparable to present day Europe to becoming the world's leading jailer.

With the rise of the US civil rights movement and the anti-war and social change movements in the 1960s hopes of the disaffected and progressives were raised and the middle class was unsettled. Conservative politicians found a distressed population ready for their views.

In 1964 the right wing Republican presidential candidate, Barry Goldwater said, "History shows us that nothing prepares the way for tyranny more than the failure of public officials to keep the streets safe from bullies and marauders." This was said when polls showed that people were much more concerned with civil rights and the war in Viet Nam, than street crime. But law and order politicians began to shape public opinion playing on racism and fear of change implied in the anti-crime rhetoric.

Richard Nixon as a presidential candidate in 1968 continued to ride the law and order band wagon saying, "Doubling the conviction rate...would do more to cure crime in America than quadrupling the funds for Humphrey's [his opponent] war on poverty." Nixon's Chief of Staff, H. R. Haldeman said, "[President Nixon]...emphasized that you have to face the fact that the whole problem is really the blacks. The key is to devise a system that recognizes this while not appearing to."

America returned to the ideology of 100 years before which attributed street crime and drug use to bad people and dark skin color, not poverty and institutional racism.

CONTROL/DISPOSAL OF THE DANGEROUS POOR (see Resource #1)

Before the mid-1970s a working class youth with a high school education could seek a decent job in a factory with wages adequate to start a family. After 1980 these jobs dried up and minimum wage service sector jobs remained. For ghetto youth it has always been worse. The promise of the Federal Government's War on Poverty was undercut by the US war on the Vietnamese in the 1960s and 1970s. Also at the end of the 1960s corporate profits began to decline from 10% to 6% by 1980. Manufacturing jobs declined by 30% in 15 years with a loss of 2,300,000 jobs. Jobs were contracted out, positions made part-time and wages and benefits slashed as the influence of labor unions decreased.

Inner city communities lost their economic base and their social and political activism was brutally suppressed in the '60s and '70s. COINTELPRO was just one such Federal program that resulted in assassinations, disruption of community campaigns and discrediting of legitimate dissent. More than 100 cities experienced riots in their ghettos in the days after Dr. Martin Luther King was murdered on 4/4/1968. People with a little money began to move from the inner city to the suburbs. Ghetto schools further deteriorated, libraries closed and local businesses were boarded up.

The black community became a hyper-ghetto, just as post World War II baby boomers became of criminal age and unemployment rates rose. Law and order was pushed to the center stage. As Katherine Beckett described in *Making Crime Pay*,

As a result of the prominence in the election campaign, the crime issue received an unprecedented level of political and media attention in 1968. And the conservative initiative bore fruit: by 1969, 81% of those polled believed that law and order had broken down, and the majority blamed "Negroes who start riots" and "communists" for this state of affairs.

The Federal Government poured money into local law enforcement. Grants from the Law Enforcement Assistance Administration (LEAA) quadrupled from \$300 million to \$1.25 billion by the mid-1970s. Under President Ronald Reagan a war on drugs was initiated. Reagan rejected the notion that street crime had socioeconomic causes and said,

Here in the richest nation in the world, where more crime is committed than in any other nation, we are told that the answer to this problem is to reduce our poverty.

This isn't the answer...Government's function is to protect society from the criminal, not the other way around.

Academics fueled the hysteria over street crime with theories of the criminal type and high rate offender, the so-called super-predator.

Before President Reagan's war on drugs began in 1982 opinion polls showed that only 3% thought that decreasing the supply of drugs was the most important thing to do to reduce crime, while 22% thought that decreasing unemployment would be more effective. Only 2% thought that drug use was our most important problem. Those opinions drastically changed as politicians, academics and pundits joined the anti-drug crusade.

Between 1986 and 1991 the number of State prisoners incarcerated for drug offenses rose from 9% to 21%. In the Federal system, the drug offender population rose from 25% in 1980 to 61% in 1993.

Those locked out of the US good life were living with few job opportunities, lousy schools, dilapidated housing stock, empty storefronts and disrupted and even murdered leadership. Many were forced to move into the underground economy and criminal life. Gang and drug related violence increased. The ghetto became to be seen as a menacing evil and the street criminal became the target of law enforcement.

In terms of volume, street crime is not the most significant way people are robbed or hurt. For every American worker killed by some thug, six are killed by their employer's negligence or malfeasance. In 2002 all the losses from robbery, burglary, larceny, auto theft and arson totaled about \$18 billion, not one-third of the \$80 billion stolen from investors and pensioners by a single firm, Enron.

Inner city police increased and became militarized with LEAA and Federal assistance. Neighborhoods in Fresno, CA and many other cities were subjected to army-like search and destroy tactics. Even the American Public Health Association was brought into the fold when it gave a public health award to Los Angeles' CRASH program, one of the most hated and malicious anti-gang programs in California.

Prison sentences were lengthened and parole denied to the deserving. Few politicians would argue against more prison time or even overtly racist cocaine laws that dealt severe penalties for rock cocaine preferred by blacks and lesser penalty for powder cocaine used by whites. For simple possession by a first-time offender any amount of powder cocaine is a misdemeanor, while rock (crack) possession is a felony with a five year sentence. Sale of 500 grams of powder or 5 grams of rock both result in the same five year sentence.

By 2001 one-third of all young black men were under direct supervision of the criminal prosecution and detention system. 41% of black high school dropouts were behind bars. Black men were treated as social junk to be marginalized with no social power or aspiration, drifting at the edge of society and dying early.

Racism taints every level of the prosecution and detention system from surveillance to arrest, prosecution and sentencing. For example, in the decade from 1986-1996, once arrested, African-Americans served 27% more time in Federal prison than their White counterparts (89 months compared to 70 months).

PRISONS DO MORE HARM THAN GOOD

With more than 2 million behind bars is the US safer in this era of mass incarceration and warehouse prisons? If the crime rates tell the story, then we are worse off with higher rates in all index crimes than when the right wing anti-crime effort began in the late 1960s. In fact the mass incarceration program creates more harm than the crimes from which it is supposed to protect us.

Even the stated purpose of prisons has changed over the last fifty years. Before the political shift in the mid-1970s rehabilitation was the goal, and since then it has been changed to first containment and more recently incapacitation.

In 2002 the Bureau of Justice Statistics released a study showing that 52% of prisoners were returned to prison within three years of being released. Most prisoners come to prison from poverty, and upon release return to increasingly impoverished communities. 2005 census data showed that 16 million Americans were living in severe poverty with less than \$5,080 for a family of four. The census found that severe poverty increased 26% more than the overall growth in poverty. In 2002 43% of the nation's poor were living in severe poverty, the highest rate since 1975 when the social safety net was unraveled by lawmakers as part of a "blame the poor" campaign.

1. Health

Prisoners bring to prison a concentration of health problems secondary to poverty, drug use and trauma. They have high rates of HIV, Hepatitis C and B, TB, Diabetes, Hypertension, Asthma, Epilepsy, poor oral health and Musculoskeletal disorders. Despite decades of successful legal action by prisoners and human rights advocates governments haven't allocated adequate money or

organized coherent services to care for prisoners' real needs. Also the penal medical providers often adopt custodial values acting as though their patients are malingerers not deserving of care. Lockups could play a significant role in public health measures in the HIV and chronic viral hepatitis epidemics, but fail to do so.

A recent example of such a public health disaster is from the San Joaquin Valley of California where Coccidiomycosis infection (Valley Fever) is endemic at a high rate (3%). African-Americans and Asian-Pacific Islanders are particularly susceptible to Valley Fever infection. There were more than 670 cases of infection in 2006 in the Valley prisons. One prison (Pleasant Valley SP) experienced a 10% rate of infection. Prisoners made up two-thirds of the Valley Fever cases in two Central Valley counties (Kings, Kern). Four men died from the disease in 2006. Treatment services have been chaotic and slow resulting in increased morbidity for the stricken. Despite the public health crisis, prison administrators have made no adjustments in policies concerning placement of at-risk individuals into hyper-endemic facilities. There are even plans to build more prison cells in the Valley. Rather than change prison placement strategies, California prison managers publicly hope for the creation of a vaccine against Valley Fever to solve this problem for them.

Prisoners are known to have a rate of HIV that is five times the general population. Seroconversion among prisoners has been found wherever it has been studied. A 2006 study in Georgia found that 88 men became HIV positive while in prison.. Hepatitis C is one hundred times more infective than HIV. Prisoners are a profound reservoir of the Hep C infected US population with about one-third of those infected being behind bars on any given day. Yet little education and treatment is carried out in prison. Moreover proven harm reduction strategies are virtually unknown in US prisons. Condom distribution, needle exchange, safe tattoo kits and opiate substitution measures are rarely available to the incarcerated.

2. Mental Health

More than 20% of prisoners have serious psychiatric diagnoses including Schizophrenia, Bipolar Disorder, Depression, PTSD, and Personality Disorders. Prisons could play an important role in improving the mental health of the population by offering treatment and a respite from chaotic lives and a place to reflect and reorder. But as Dr. John Irwin found in his study of prisoners in California (Resource #1), long sentences in warehouse prisons instead cause:

- a. Difficulty in acting independently on one's own behalf. Prison life is one of petty rules and little opportunity at self management. Even the underground prison economy is largely controlled by large rigid organizations (gangs).
- b. Diminished sense of self. There is no privacy and the environment is threatening both by staff and other prisoners.
- c. Changes in sexual orientation. Prison is a place of exaggerated machismo with frequent sexual predation. Some long-term heterosexual prisoners resort to same sex affairs that remain hidden from their outside families. Homosexuals and young defenseless men are used for sex. This all occurs with little regard for safer sex and with rare access to harm reduction tools.
- d. Anger at the injustice. Prisoners know they are undereducated and lack employable skills. They are well aware that they have little chance of acquiring needed educational and vocational training while in prison. Also there are lots of injustices in lengthy sentences, parole denial and prison discipline. Rules are arbitrarily enforced and the administrative appeals process is usually a sham. In many facilities the day to day application of rules supports the power and prejudice of staff and the underground economy, as much as it holds up the safety and smooth running of the prison.

- e. Misery is an important result of incarceration. From arrest and trial to incarceration prisoners are treated with hostility and contempt causing depression and a sense of unworthiness. As the months and years go by many reject conventional society and embrace the outsider/criminal point of view. Prisoners adopt the mores of prison where they learn racial prejudice and homophobia, and they adopt the vocabulary, mannerisms and grooming standards of the prison culture. Simple programs like literacy are often not available. In prisons 19% are illiterate and up to 60% functionally illiterate, a rate five times the general population. A California law mandates that all illiterate prisoners be educated to literacy. That law is ignored. Only 6% of California prisoners are in academic classes and 5% are in vocational programs.

3. Economic Exploitation

Prisoners believe they are just cogs in the prison industrial complex. They understand that they are \$40,000 per year raw material for a \$40 billion industry for construction companies, architects, custodians, hardware manufacturers, food purveyors, phone companies, etc. One glaring example of the exploitation are the contracts with phone companies for the phones prisoners use to call family and friends. \$40 million per year in excessive phone fees have been paid by the people who the prisoner calls. A slice of that profit is often shared with the State and usually goes into the general fund, thus it is a tax on the friends and family of prisoners who usually can ill afford the fees. It is a tax on the poor.

CONCLUSION

The US war on crime and illegal drug use hasn't decreased either. But that wasn't the purpose. The political goal has been to divert the public from pressing social and economic problems, and from corporate crime to street crime. The social goal has been to neutralize the new dangerous nonwhite ghetto youth, forcing them to lay low at the edge of society. Our communities have been harmed by this strategy in many ways:

- Diversion of tax money into building and maintaining prisons
- Disruption of the family and social fabric of poor communities
- Prison culture has a deeper impact in our communities
- Disenfranchisement of felons – literacy, employment, voting rights (46 States prohibit voting)
- Social vindictiveness. Personal safety and security concerns (delusions) replace the desire for cooperative organizations. Gated communities mimic the profusion of prison gates. The death penalty resists human rights doctrine, and is unreasonably applied in many States.
- The health of the public is ignored and prisoners released to communities increasingly not equipped to assist them.

RESOURCES

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