

Record numbers in US prisons

Women, children and immigrants top incarceration increases

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The number of people in US prisons and jails rose again last year to 2,267,787 people, continuing a trend of increasing incarceration rates that has gone on unabated for more than two decades. According to a report released in October by the US Department of Justice, by the end of 2004 there were 1.4 million prisoners in federal and state facilities and 700,000 in local jails.

One out every 109 US males was incarcerated in a state or federal prison in 2004, reflecting a 32 percent increase in the number of male prisoners since 1995. In 1980 the number in prison or jail in the US totaled 503,000. By 1990 this had doubled to over a million and by mid-year 2002 it doubled again, to surpass the 2 million mark.

The historical increase in the US prison population has been out of proportion to the general rise in population. In 2004 the US incarceration rate hit 486 sentenced inmates (those with sentences exceeding one year) per 100,000 residents, up 18 percent from 411 per 100,000 a decade ago, according to the government report.

Though US crime rates have actually fallen in recent years, a law-and-order atmosphere and more jail time and longer sentences under mandatory minimums and three-strikes laws are keeping the prisons filled. The prison system is a key component of political repression, designed to keep a lid on growing social tensions resulting from unprecedented levels of social inequality in the US.

The US has the highest prison population in the world, both in percentage of its population and in sheer numbers of people kept behind bars. Only China, with a population more than four times that of the US, even comes close, with 1.5 million prisoners. The overall US incarceration rate—724 per 100,000—is 25 percent higher than that of any other nation in the world, according to the Sentencing Project, a prisoner advocacy group.

The Bureau of Justice Statistics (BJS) report noted that the number of female prisoners rose 4 percent from 2003 to 2004, more than twice the rate of increase among men over the same time period. The annual rate of increase in women has averaged 4.8 percent for the past decade compared to an average of 3.1 percent for men. Harsher drug sentencing laws are a big part of the increase. Women now account for one in four arrests in the

US, though they currently comprise only 7 percent of prison inmates. This is up from 5.7 percent in 1990.

The highest historical increase in incarceration rates has been in the area of immigration offenses, which has risen by 394 percent since 1995. In 2003 there were 16,903 people in prison for immigration offenses, up from 3,420 in 1995.

The number of persons jailed in federal prison for immigration offenses (such as attempting to enter the country within five years of being deported) doubled from 1,593 in 1985 to 3,420 in 1995. After the Illegal Immigration Reform and Immigrant Responsibility Act was implemented in 1996 the number skyrocketed to 16,903 in 2003. Immigration lawyers have documented that 57 percent of immigration violations cases referred for prosecution by the Immigration and Naturalization Service in the year 2000 involved citizens of Mexico, with nearly all of these cases being investigations of unlawful entry.

Sentenced inmates in federal prisons increased from 88,658 in 1995 to 158,426 in 2003, according to the BJS report. The largest increase was for drug offenses, just under half of the total growth. Those sentenced for drug offenses made up 55 percent of federal inmates in 2003. Public-order offenses, including weapons charges and the above mentioned immigration violations, made up nearly 40 percent.

The federal prison system has been the sole source of the growth of privately operated prisons in the past four years, according to the BJS report. Close to 25,000 federal prisoners were housed in private facilities in 2004 compared to 15,500 in 2000. The use of private prisons in the states and US territories declined over the same period. Nevertheless, states and territories held over 74,000 people in private jails.

There are just over 100,000 prisoners in juvenile facilities. When juvenile justice statistics are examined in detail, the repressive conditions in US society are dramatically on display.

Earlier this year, the US Supreme Court ruled that juvenile offenders are too young and immature to be put to death. These rulings rested on the concept that children do not have the same mental capacity and thus are not as culpable as adults. But this has done little to stop the systematic dismantling of the 100-year-old juvenile justice system.

Though the number of youth convicted of murder was cut in

half between 1990 and 2000, the rate of children sentenced as adults went up substantially. In 1990 there were 2,234 youth convicted of murder in the United States, 2.9 percent sentenced to life without parole. Ten years later, in 2000, the number of youth murderers had dropped to 1,006, but 9.1 percent were sentenced to life without parole.

More than one in four of the youth convicted of murder—the majority of cases remanded to adult court—were convicted of felony murder in which the teen participated in a robbery or burglary during which a co-participant committed murder, without the knowledge or intent of the teen.

In any event, experts have pointed out that the increase in the number of children sentenced as adults comes from cases that would not have been subject to the death penalty. They are young people who were accessories to crimes or who were sentenced to life (without parole) for property crimes and other nonviolent infractions.

In a recent world survey of juvenile offenders, Human Rights Watch/Amnesty International found only four countries that imprisoned children with sentences of life without parole. Out of 154 countries outside the US, the authors of *The Rest of Their Lives: Life without Parole for Child Offenders in the United States* found only 12 prisoners in just three countries who were serving sentences of life without parole for crimes committed while they were children. In the US, the fourth country, there were 2,200 people serving life without parole for crimes they committed before turning 18.

The US, along with only Somalia, has never ratified the Convention on the Rights of the Child. It stands in violation of the international human rights standards contained in that charter that prohibit the incarceration of children with adults. According to the report, one third of the youth offenders now serving life without parole in the US entered adult prison while they were still children.

“In eleven out of the seventeen years between 1985 and 2001, youth convicted of murder in the United States were more likely to enter prison with a life without parole sentence than adult murder offenders,” the report says.

A few US states led the increase in harsh adult sentences for children. Virginia, Louisiana and Michigan had life without parole sentences for children rates that were three to seven-and-a-half times higher than the national average of 1.77 per 100,000 children.

According to the BJS, the states with the highest incarceration rates are found in the South. Louisiana’s incarceration rate is 816 prisoners per 100,000 state residents, approaching twice the national average and substantially higher than even its closest rival, Texas, which reported 694 per 100,000.

When Louisiana Governor Kathleen Babineaux Blanco announced her shoot-to-kill orders for New Orleans following Hurricane Katrina she was only crafting the logical extension of decades of increased police repression in the US that has accompanied the corporate and government assault on social

conditions.

The response of the media was to largely ignore the semi-annual report from the BJS and the social implications of decades of increases in the imprisonment rates. Bringing up social ills in the US is rare, and discussing them in relation to crime and punishment is virtually taboo. There was only a brief outburst of protest a month ago when William Bennett, the former US Education Secretary and right-wing commentator, made his now infamous assertion that crime in the US would fall if all black babies were aborted.

Stagnant and falling wages and incomes for the poor, growing household indebtedness, cuts in social services and countless blows to the social safety net are a feature of everyday life in the US. Following the virtual elimination of any form of public assistance for the long-term unemployed and the dismantling of mental health facilities in the states, states have treated prisons as a dumping ground for the individuals ground down by society, a practice acceptable in official circles.

The Human Rights Watch/Amnesty International report found marked racial disparities among juveniles sentenced to life without parole. Nationwide, the estimated rate at which black youth receive life without parole sentences (6.6 per 10,000) is 10 times greater than the rate for white youth (0.6 per 10,000).

The BJS report finds the same racial disparities in adult prisons. In 2004 more than 40 percent of sentenced inmates were black. Of black males aged 25 to 29, 8.4 percent are sentenced inmates, compared to 2.5 percent of Hispanic males and 1.2 percent of white males in that age group. Even among middle-aged blacks, aged 45 to 54, the rate of incarceration is higher than the national average, at 3.3 percent.

Bennett, as “drug czar” under the first President Bush, was responsible for the direction of US policy in the area of drug offenses. The so-called war on drugs eschewed rehabilitation and caught up hundreds of thousands of black men in its net, even though drug use itself is no higher among racial minorities than among the population as a whole.



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