

# CURE-NY *Newsletter*

To Reduce Crime and Uplift Society

Winter '07-'08

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## *Unlocking America*

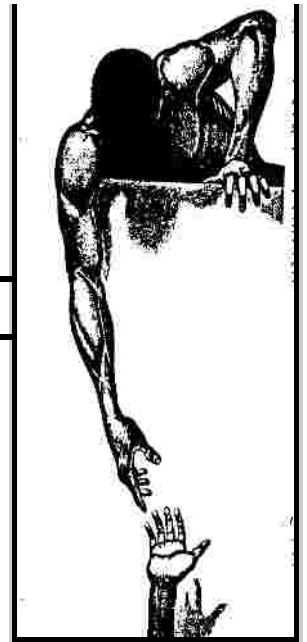
*Excerpts from the report by the JFA Institute, November 2007*

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**“He Ain’t Heavy”  
by Gilbert Young**

### **THE PRISON SENTENCING EXPLOSION.**

“America’s incarceration rate is exploding. In 1970 there were fewer than 200,000 people in prison. ...At the beginning of 2007, the total number imprisoned in the U.S. on any given day is 2.2 million.

For the same crimes, U.S. prisoners receive sentences twice as long as English prisoners, three times as long as Canadian prisoners, four times as long as Dutch prisoners, five times as long as Swedish prisoners and five to ten times as long as French prisoners. Yet these countries’ rates of violent crime are lower than ours, and their rates of property crime are comparable.

The media contributed to the fervor over the “crime problem” through its unrelenting focus on crime – the more heinous and sensational the better. Broadcast journalists discovered that sensational crimes drew large audiences. In so doing,, it led Americans to believe wrongly that they were at high risk of being assaulted, raped, or murdered.

Thus after 1975 many laws were passed, supported by politicians of both parties, designed to increase the probability of a prison sentence rather than jail or probation, dramatically increasing the length of prison sentences for certain crimes, and requiring prisoners to serve a greater proportion of their sentences.

But given that most of us commit some type of crimes in our lifetimes, the most severe punishments are targeted toward lower class citizens. ...Consider young people with college-educated parents. Middle and upper-class parents impart values of achievement through education to their children, arrange for their admission into better schools, help them get into good colleges, and support them after graduation while they attempt to start their “careers.” Their children have a much higher chance of succeeding in America’s economy than youth from poor, welfare dependent, and often broken families who are exposed to a much different life, including dangerous public housing buildings and dysfunctional public

schools. For many of these youths, the expectation or norm is to drop out of high school and end up hanging out in neighborhoods filled with other under-educated, unemployed young people. Rather than going to college they are headed toward prison.

The demonization of criminals has become a special burden for young black males, of whom nearly one-third will spend time in prison during their life. ...In effect, the imprisonment binge created our own American apartheid.

Though conclusive evidence is lacking, the bulk of the evidence points to three conclusions: 1) The effect of imprisonment on crime rates, if there is one, is small; 2) If there is an effect, it diminishes as prison populations expand; and 3) The overwhelming and undisputed negative side effects of incarceration far outweigh its potential, unproven benefits.

### **NEGATIVE SIDE EFFECTS**

Incarceration may not have had much impact on crime, but it had numerous unintended consequences, ranging from racial injustice and damage to families and children, to worsening public health, civic disengagement, and even increases in crime.

Clearly prison terms have a residual impact on the families and communities of the imprisoned. Enduring years of separation from family and community – deprived of material possessions, subjected to high levels of noise and artificial light, crowded conditions; and/or solitary confinement, devoid of privacy, with reduced options, arbitrary control, disrespect, and economic exploitation – is maddening and profoundly deleterious.

Anger, frustration, and a burning sense of injustice, coupled with the crippling processes inherent in imprisonment, significantly reduce the likelihood that prisoners are able to pursue a viable, relatively conventional life after release.”

## Unlocking America

continued from page 1

### KEY MYTHS.

**Career criminals?** Of the total arrests in 1994-97, only 5% were of prisoners released in 1994-97, and only 1% were of released prisoners for violent crimes.

“Just 1.2 % of those who served time for homicide and were released in 1994 were re-arrested for a new homicide within three years of release; and just 2.5% of released rapists were arrested for another rape. Sex offenders were less likely than non-sex-offenders to be re-arrested for any offense. Their rates of re-arrest for a new sex offense were only 5.3%.

A substantial percentage (over 60%) of released prisoners are eventually rearrested, but mostly for drug offenses or violation of parole regulations.”

**Tougher penalties deter criminals?** According to the NCVS [National Crime Victimization Surveys], about 60% of all crimes are not reported to the police.” Of the total victimizations, only 3% result in convictions and terms in prison or jail. “The type of crime most likely to be reported and result in arrest and conviction tends to be committed by those least likely to be deterred – generally young males excluded from the conventional pathways to success, many of whom have already been severely punished by the juvenile justice system early in their lives and are unlikely to be deterred in the future. The vast majority of these youth desist from crime after their twenties, for reasons unrelated to any penalties the State imposes on them.”

### RCOMMENDATIONS:

#### A. REDUCE PRISON POPULATION:

1. “Reduce time served in prison.” “An in-depth examination of sentence lengths and time served is called for; it might begin with the presumption that terms be cut back to what they were circa 1975 when the imprisonment binge began.” This is “grounded in three facts: a) many prisoners are now serving longer prison terms; b) the longer prison terms are not proportionate to the severity of the crime they were convicted of; and c) the extension of their length of incarceration has no major impact on their recidivism rate, or crime rates in general.”

2. “Eliminate the use of prison for parole or probation technical violations.” “Prosecutors and correctional officials erroneously believe that unless individuals are re-incarcerated for technical violations, the individual will commit serious crimes in the future. There is no scientific evidence to support this belief and attendant policy; yet it continues to be the pri

mary rationale for re-incarcerating tens of thousands of people for criminal or non-criminal behavior for which ordinary citizens could not be incarcerated.”

3. “Reduce the length of parole and probation supervision periods.” “There is little evidence that lengthy parole and probation terms decrease crime.”

4. “Decriminalize ‘victimless’ crimes, particularly those related to drug use and abuse.” “It would be perfectly appropriate for governments to conduct educational campaigns about drugs. Regulatory approaches, such as are now used for drugs that are not illegal should be given serious consideration.”

#### B. HUMANE JUSTICE.

5. Improve conditions of imprisonment.

a) “Cruel and unusual punishments.” “These include denial of adequate medical services, excessive use of physical force, and housing prisoners in exceptionally punitive arrangements, such as solitary confinement units and cells.”

b) “Safety.” “Effective strategies such as adequate surveillance, voluntary access to safe living areas within the prison, housing prisoners in small units, and “single-celling” should be practiced to insure prisoner’s safety.”

c) “Health. Prisoners should have access to medical and psychiatric services, adequate diet, and recreation.”

d) “Programs. Any rational and humane system of punishment should provide access to program opportunities that increase prison safety and improve prisoners’ chance of making it in the community after prison. Such programs would include academic, technical and citizenship education, as well as a wide variety of treatment programs that help prisoners improve themselves and develop more conventional law-abiding interests and pursuits.”

e) “Post release assistance. The State should develop and provide access to transitional and permanent housing, education, vocational training and placement, counseling, coaching, and mentoring.”

#### D. PRISONER RIGHTS:

6. “Restore ex-prisoner voting and other rights.” “In San Francisco, the city government has removed the question regarding prior arrests on job applications. Other government jurisdictions should follow this example.... Government subsidies for hiring ex-convicts could overcome some employers’ hesitations. In addition, exclusion from welfare, public housing and subsidies should be ended, as should rules barring ex-convicts from living in certain neighborhoods. Licensing restrictions should be maintained only when they are demonstrably necessary to protect the public.”

# LET YOUR VOICE BE HEARD!

Support the NYS Coalition for Rehabilitation and Reentry Platform.

**AND take giant steps towards fulfillment of the foregoing.**

Now is the opportune time!

The NYS Coalition for Rehabilitation and Reentry has been a collaboration of more than 33 advocacy organizations, who met on September 25, 2007 to cooperate in the development of a common restorative justice platform for reform. It includes equal justice for all, job-oriented education, drug law reform, treatment/transformation, prison health service, merit time, parole practice, work release, reentry support, family services, and long termers programs.

*In the name of the Coalition, we are asking you, your associates, friends, and relatives to promote those goals of this platform which you endorse. In particular, you are now invited to do some or all of the following:*

- 1. Review the goals in the Platform. Most, if not all, of these goals have long been your goals as well. Then inform others (associates, friends, relatives) of the Platform.**
  
- 2. Send and/or encourage others (associates, friends, relatives) to send letters supporting your favorite platform planks to NYS legislators.**

## **IF YOU HAVE INTERNET ACCESS:**

- (a) **Find a summary of that 12-part Platform, and links to their full text on**  
[http://www.bestweb.net/~curenv/Co\\_platform.htm](http://www.bestweb.net/~curenv/Co_platform.htm)
  
- (b) **Use variations of the sample letters for each plank of the platform, found via**  
[http://www.bestweb.net/~curenv/Co\\_plea.htm](http://www.bestweb.net/~curenv/Co_plea.htm)  
in your (and others') letters, emails, or faxes to NYS legislators..
  
- (c) **Sign the Petition, and/or encourage others to sign the Petition, endorsing the Platform**  
A Petition carrying endorsements of that platform is at  
[http://www.ipetitions.com/petition/Co\\_RR](http://www.ipetitions.com/petition/Co_RR)
  
- (d) **Print and distribute copies of the Coalition Brochure**  
A printable (pdf) copy of the Coalition Brochure is at  
[http://www.bestweb.net/~curenv/Co\\_brochure.pdf](http://www.bestweb.net/~curenv/Co_brochure.pdf)

This is a unique opportunity for you, associates, friends and relatives, to join forces with many advocacy organizations for improvement in the NYS criminal justice system. Now is the opportune time!

Can we count on your participation?

Friends of CURE-NY and the NYS Co\_RR

# The Hidden Problem of Time Served

*Excerpts from article by Marc Mauer in Social Research, Summer, 2007*

“The most recent Department of Justice analysis documents that the mean-time served in state prison before first release rose from 22 months to 29 months from 1990 to 1999. While a seven-month increase may not strike some as dramatic, note that this represents a 32 percent rise in average time served.

From a public safety point of view, addressing the issue of time served is significant for several reasons.

**Time served is a significant component of the rising prison population.** Looking at the state prison population of 1.2 million, we can calculate what the scale of incarceration would be today if time served had not increased since 1990. Given the 32 percent increase noted above, this would have resulted in nearly 400,000 fewer prisoners overall, even absent any change in the number of people sentenced to prison.

**Time served does not influence recidivism.** One might speculate that increasing time served in prison

would have an effect on reducing recidivism, either through individual deterrence or rehabilitation. But the most comprehensive data on recidivism from the Department of Justice demonstrate that while recidivism rates are high—two-thirds of released prisoners are rearrested within three years of release—there is no significant difference among people spending anywhere from one to five years in prison. Only after five years do recidivism rates begin to decline somewhat, but this is no doubt due to the aging process and not to any inherent effect of incarceration. Keeping people in prison longer has a delaying effect on recidivism, but not an overall reducing effect.

**Increasing time served does not contribute to general deterrence.** One of the rationales offered for adopting mandatory and longer prison terms is that they will "send a message" to potential offenders that crime will be punished harshly. Theoretically, this would cause some people to refrain from committing a crime due to a cost-benefit calculation of the consequences of doing so. Unfortunately, such logic conflicts with a long line of criminological research that demonstrates that any deterrent effect of the criminal justice system is achieved primarily by certainty of punishment, not severity. Thus, the "message" that lawmakers try to send is not heard very distinctly.

**Time in prison is expensive.** As a corollary of reductions in time served, state governments could realize significant cost savings. At a cost of \$25,000 a year to house a person in prison, a 32 percent reduction in time served, would yield savings of more than **\$150 million a year** for a state prison system of 20,000 inmates (more savings in larger systems).

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**Longer prison terms erode community ties.** Given high rates of recidivism, it is essential to enable people in prison to maintain ties to family and community that can aid in the reentry process after leaving prison. Increasing the length of prison terms only contributes to a fraying of those ties because of the difficulties involved in visiting and communicating with incarcerated family members. In addition, lengthy terms of imprisonment result in financial and emotional burdens on the family members left behind, further disadvantaging many low-income neighborhoods.”

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**You are needed!** If you're not already a member, or if your membership has expired (see the expiration date on the addressing label), take a minute now to support CURE-NY.

*Please fill in and mail this membership application to:*

CURE-NY, PO Box 102, Katonah, NY 10536  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City State & Zip Code \_\_\_\_\_  
Phone \_\_\_\_\_ email \_\_\_\_\_  
Fax \_\_\_\_\_

*Please check type of membership and Annual Dues*

- Prisoner \$ 2.00     Sustaining \$ 50.00
- Basic \$ 10.00     Sponsor \$100.00
- Family \$ 20.00     Benefactor \$500.00

And send us your email address, so you can receive the CURE-NY Newsletter by email!