



LOCKED AWAY

Have get-tough-on-crime laws sent too many Americans to prison? BY PATRICIA SMITH

Last month, 6,000 inmates who had spent an average of nine years behind bars for drug crimes walked out of federal prisons across the country. It was the largest ever one-time release of federal convicts in the United States.

The U.S. Department of Justice made the move to ease prison overcrowding. But it was also linked to a growing effort by lawmakers, both Democrats and Republicans, to roll back the harsh mandatory penalties given to non-violent criminals—many of them drug

offenders—beginning three decades ago.

“Far too many people have lost years of their lives to draconian sentencing laws,” says Jesselyn McCurdy of the American Civil Liberties Union, which has long lobbied for sentencing reforms.

Many more prisoners serving time for non-violent crimes like drug possession could be released early, as Congress and some states reconsider what are known as mandatory-minimum-sentencing laws. The laws were meant to curb escalating crime rates and make punishments tough enough to discourage potential criminals.

Congress and many state legislatures embraced the idea of mandatory prison sentences in the 1980s and early '90s. The use of crack cocaine had turned into a nationwide epidemic, contributing to a sharp rise in the crime rate; lawmakers vowed to “get tough” on crime.

In addition to minimum sentences, many states also passed “three strikes and you’re out” laws that automatically gave most repeat offenders 25-years-to-life for their third convictions. At times, the laws mandated sentences that many said were unfair or even outrageous. For example, in 1995, a California man with five prior convictions was sentenced to



Watch a video on three-strikes laws at upfrontmagazine.com



Prisoners in California's Pelican Bay State Prison

25 years in prison for stealing a slice of pepperoni pizza.

The result of mandatory sentencing has been a huge spike in the U.S. prison population. The incarceration rate more than quadrupled from 1972 to 2012. Today, 2.2 million people are behind bars in the U.S. (About 211,000 are in federal prisons; the rest are in state lockups.) That's nearly 1 out of every 100 American adults.

The U.S. incarceration rate is 5 to 10 times higher than the rates in Western European countries. The U.S. accounts for just 5 percent of the global population but has 25 percent of the world's inmates.

"A primary driver of this mass incarceration phenomenon is our drug laws, our mandatory-minimum sentencing around drug laws," President Obama said in July. "And we have to consider whether this is the smartest way for us to both control crime and rehabilitate individuals."

Falling Crime Rates

Minority communities have been the most drastically affected. Black men are six times more likely to be behind bars than white men. According to a national report published last year, black men born since the late 1960s are more likely to have served time in prison than to have a degree from a four-year college.

Now, there's a growing feeling that reform is needed. Crime rates have fallen sharply, and that's given lawmakers the leeway to talk about chang-

ing sentencing laws. At the same time, there are strong financial incentives to reduce the country's prison population.

It costs taxpayers \$80 billion a year to keep all those people locked up. One-third of the Justice Department's budget is spent on running federal prisons, and both Republican and Democratic lawmakers agree that number needs to be reduced.

In late September, a bipartisan group of senators proposed a sweeping overhaul aimed at reducing mandatory minimums and winning early release for those serving sentences disproportionate to their crimes. The changes would be retroactive if the legislation is enacted, and lawmakers estimate that up to 6,500 other prisoners—many of them charged with nonviolent offenses related to crack cocaine—could qualify for shorter sentences.

But not everyone thinks this is a good idea. Senator Jeff Sessions, a Republican of Alabama, urges caution.

"Prison penalties fairly and systematically applied means less crime," he says.

And there are other potential problems. Ronald Teachman, the former police chief in South Bend, Indiana, says that prisoners rarely receive the job skills and reintegration training they need in order to succeed after they're released.

"People come out of prison hardened and angry and more likely to offend," Teachman says.

Anthony Papa knows something about the challenge of adjusting to life outside prison. He served 12 years under New York's mandatory-minimum-sentencing laws for handing an envelope filled with 4.5 ounces of cocaine to buyers who turned out to be undercover cops.

Papa was released in 1997, and he now works at the Drug Policy Alliance, a group working to reform sentencing laws. He's optimistic that Congress will pass reforms.

"It's a step in the right direction," Papa says. "The drug war has devastated families and communities, and it is time for the healing to begin." •

With reporting by Michael S. Schmidt, Carl Hulse, and Jennifer Steinhauer of The Times.

WHY THEY'RE LOCKED UP

Here's a breakdown of the crimes that put the nation's 2.2 million prisoners behind bars (211,000 are in federal prisons; the rest are in state lockups).

