

Incarcerated America

Overview

In this lesson students will learn about various punishments – with a special focus on prisons and prison reform – for convicted persons in the United States. Through a Power Point, class discussion, and a group reading activity, students will explore the various benefits and societal consequences of America’s prison system. Students will further explore possible prison legislation by participating in a General Assembly simulation to determine how North Carolina should deal with prisons during a budget crisis.

Grade

10

North Carolina Standard Course of Study for American History: Founding Principles, Civics & Economics

- FP.C&G.3.1 - Analyze how the rule of law establishes limits on both the governed and those who govern while holding true to the ideal of equal protection under the law (e.g., the Fourteenth Amendments, Americans with Disabilities Act, equal opportunity legislation.)
- FP.C&G.3.3 - Analyze laws and policies in terms of their intended purposes, who has authority to create them and how they are enforced (e.g., laws, policies, public policy, regulatory, symbolic, procedural, etc.)
- FP.C&G.3.5 - Compare jurisdictions and methods of law enforcement applied at each level of government, the consequences of noncompliance to laws at each level and how each reflects equal protection under the law (e.g., Department of Justice, Regulatory Commissions, FBI, SBI, Homeland Security, Magistrate, State troopers, Sheriff, City police, Ordinance, Statute, Regulation, Fines, Arrest, etc.)
- FP.C&G.3.7 - Summarize the importance of the right to due process of law for individuals accused of crimes (e.g., habeas corpus, presumption of innocence, impartial tribunal, trial by jury, right to counsel, right against self-incrimination, protection against double jeopardy, right of appeal).
- FP.C&G.3.8 - Evaluate the rights of individuals in terms of how well those rights have been upheld by democratic government in the United States.
- FP.C&G.4.4 - Analyze the obligations of citizens by determining when their personal desires, interests and involvement are subordinate to the good of the nation or state (e.g., Patriot Act, Homeland Security, sedition, civil rights, equal rights under the law, jury duty, Selective Services Act, rule of law, eminent domain, etc.)

Materials

- Five Agreement Scale Signs with one of the following words on each: “Strongly Agree,” “Agree,” “Neutral,” “Disagree,” “Strongly Disagree” (teachers should make these using large pieces of paper)
- “A History of Prisons & Prison Reform” Power Point, available in the Database of K-12 Resources (in PDF format)
 - To view this PDF as a projectable presentation, save the file, click “View” in the top menu bar of the file, and select “Full Screen Mode”
 - To request an editable PPT version of this presentation, send a request to CarolinaK12@unc.edu
- *News and Observer* article, “Inmate Population Swells, Budget Declines,” article, questions, and answer key attached
- *New York Review of Books* article, “Can Our Shameful Prisons Be Reformed” (4 excerpts attached)
- *New York Review of Books* article, “Can Our Shameful Prisons Be Reformed” answer sheet (attached)
- General Assembly Instruction Sheets (attached):
 - Human Rights Coalition
 - Corrections Corporation of America
 - Senator Richard Burr
 - CURE

- Appropriations Subcommittee on Justice and Public Safety
- Summary of Special Interest Groups

Essential Questions:

- How have methods used by society to address criminal behaviors changed over time?
- What correctional reforms have been introduced throughout America’s history?
- What are the reasons for America’s large prison population?
- What are some alternative punishments to prison?
- What reforms are necessary to improve America’s prison system?

Duration

90-120 minutes (can be split over two class periods)

Student Preparation

Have students read the attached *News & Observer* article, “Inmate Population Swells, Budget Declines” and answer the attached questions for homework.

Procedure

Warm Up: Where Do You Stand?

1. Direct students’ attention to the signs around the room with the phrases – “Strongly Agree, Agree, Neutral, Disagree, Strongly Disagree.” Tell students that you’re going to read six statements and you want them to get up and stand next to the sign that best reflects their feelings about the statement. Choose one student to tally the class’ responses.
 - Prisons are an effective way to punish people for committing crimes.
 - Prisons should provide services to rehabilitate criminals (i.e. education, conflict resolution skills, therapy, etc.)
 - The fear of going to prison deters people from committing crimes.
 - If prisons are overcrowded, more prisons should be built.
 - If prisons are overcrowded, laws should be reviewed and changed (i.e. make drug laws less severe).
2. Inform students that they should keep their responses in mind until the end of the lesson

A Short History of Prison in America

3. Instruct students to take out a piece of paper and take notes during the power point. Project slide 2 of the “Short History of Prisons” power point and discuss the projected question “What is the purpose of prison?” Give students a minute to silently contemplate and write their thoughts regarding the question then allow volunteers to share their answers with the class. Encourage students to think about their responses to the “Where Do You Stand?” activity while discussing.
4. Next, tell students they are going to learn a brief history of prisons and their role in American society through a Power Point presentation and discussion. (The PPT addresses various types of punishment, the purpose of prison, various prisons and the reforms that have been in existence throughout history, and the affect of the 1970s “tough on crime” ideology on America’s prisons.) Sample questions to discuss throughout the presentation:
 - What do you think prompted these different prison reforms throughout history?
 - What prison reforms do we still see today?
 - What are some problems, if any, concerning privatizing prisons?
 - Do you think prison reform is an important civic issue? Why or why not?
 - What do you think is the most effective way to punish a person? To rehabilitate a person? Why?

5. Ask students to reconsider their homework reading regarding North Carolina's prisons specifically. Go over their responses from the handout of questions to further the conversation.

"Can Our Shameful Prisons Be Reformed?"

6. Divide students into groups of four and distribute each group member one of the attached four excerpts of the article, "Can Our Shameful Prisons Be Reformed?" and the accompanying double-sided handout of questions. Instruct students to read their section of the article and prepare a summary of the main points to share with their group mates. After each group member has read and shared the main points of their excerpt, the students should work together to discuss and answer the questions provided. Afterwards, discuss students' thoughts as a class, allowing each group to report back regarding their conversation, points of agreement or disagreement, remaining questions, etc. Further discuss:
 - Did the title alter your thinking before you read the article?
 - Did you feel this article expressed only one point of view? Why or why not? What proof can you provide?
 - How does this article connect with the article you read for homework?
 - Have your views regarding prison changed after reading this article "Can Our Shameful Prisons be Reformed?" Why or why not?

A Committee Meeting Regarding Prison Reform and Crime Prevention

7. Inform students that they will be thinking more about prisons as a civic issue by participating in a General Assembly simulation. Tell students some of them have been recently elected to the North Carolina Senate and were assigned by the Pro Tempore to the Appropriations Subcommittee for Justice and Public Safety. Explain to students that there are more than a dozen committees for each house of the General Assembly, and their work is very important, as every bill introduced will be studied by at least one committee in the Senate and in the House of Representatives. Inform the students that they will be debating if the appropriations committee should build more prisons or look for alternative punishments in response to the growing prison population. Let students know they will either be assigned the role of a committee member, or the role of a lobbyist or representative from a special interest group who wants to express his or her views about the proposed measure to the committee members, in hopes of influencing the legislators' opinions.
8. Divide students into five groups, with one group acting as the members of the Senate Committee and the other four groups as special interest groups. (Each group should contain 3-6 students.) Give groups the appropriate attached instructions and instruct students to silently read the handout provided. Next, review the instructions for each group out loud:
 - **NC Senate Appropriations Subcommittee on Justice and Public Safety:** You and your fellow legislators are holding a hearing to help you determine whether or not to cut funding to the Department of Corrections to build more prisons. As a member of the North Carolina General Assembly, you represent the interests of your constituents in your home district and your job as an appointed member of the Subcommittee is to determine if funding to build more prisons should be cut and if so, what alternative punishments should be implemented. You have the choice of reporting back to the General Assembly in favor of budget cuts for new prisons, or opposed to budget cuts for new prisons. For both opinions, you must suggest what measures can be exercised to reduce the prison population. Your job is to meet as a group and prepare to lead the upcoming meeting. Under the leadership of your Chair, you should discuss your initial opinions of prison funding. You should also review the *Summary of Special Interest Groups*, and determine how to best address these opposing views, considering the "common good" of our state. As a group, prepare at least two follow-up questions for each special interest group in preparation for their testimonies.
 - **Special Interest Groups:** You will work on creating a 3 minute presentation to present to the panel of legislative committee members. Your goal is to convince members of the Senate Subcommittee on Justice and Public Safety to either support or not support cuts to the NC Department of Corrections to build new prisons. You should form arguments based on the facts given about the views of your special

interest group, the articles you have read. You may make inferences that might help your position. Organize these thoughts into a presentation that will convince this committee to see things your way. In addition to considering your group's views, you should think of ways to argue against your opponent's views.* Make sure you have a concise presentation prepared, since you will be stopped when you have reached your 3 minute time allotment, whether you are finished or not.

➤ Teacher note: Laptops can be provided for additional research, but they are not necessary to complete the activity.

9. Once it is time for the committee meeting to begin, review behavior expectations for being a respectful participant. Have the legislators take a seat in front of the classroom facing the lobbyists. Ask the student assigned as Chair to call the meeting to order, give an overview of the purpose of the forum, as well as remind students of the format and order for the testimonies (teachers may want to display this on the board or on chart paper):

Chairman calls meeting to order and gives overview	1 minute
Presentation from Senator Richard Burr	2 – 3 minutes
Follow-up questions from legislators	2 minutes
Presentation from Human Rights Coalition	2 – 3 minutes
Follow-up questions from legislators	2 minutes
Presentation from Corrections Corporation of America	2 – 3 minutes
Follow-up questions from legislators	2 minutes
Presentation from CURE	2 – 3 minutes
Follow up questions from legislators	2 minutes
Chairman can call for any final comments or questions from presenting groups and legislators	5 minutes
Chairman leads an open deliberation of the committee	Up to 10 minutes.
Chairman explains committee's decision and adjourns meeting	3 - 5 minutes

10. Allow approximately 30 – 40 minutes for the simulation. After the simulation has ended, have students applaud themselves for their hard work and debrief using the discussion questions below:

- What is your opinion of the committee's decision? Explain.
- Imagine the NC General Assembly decided to cut funding for prisons. Would you support it? Why or why not?
- Those of you who presented to the committee, what do you think the best part of your presentation was and why?
- How would you change your presentation to improve it for next time?
- What skills are important when presenting to a body of professionals? (*Discuss presentation skills such as being prepared, speaking clearly, being brief and concise, etc.*)
- Why is it important when preparing a presentation to consider what the opposite view might be?
- If you were actually serving on the General Assembly, what other factors might influence you that were not necessarily represented in this activity?
- Most citizens are not elected officials. In what ways might individual citizens outside of these bodies have influenced this process? How can you let your opinion be known?
- What are some viewpoints that were not shared during the committee meeting?
- What economic concerns can you think of regarding prisons? Explain

- What are public safety concerns you can think of regarding the reduction of spending for prisons? Explain.
- Do you think it is important that individual citizens lobby their state governing bodies about taxes and spending? Why or why not?
- What factors influence legislators in the decisions they make?
- How might a legislator decide what is best for the state as a whole (the "common good")?
- What would happen if citizens did not make their opinions known to legislators? How might our society be affected?
- Which of the special interest groups would you say had economic interests? Explain.
- Which of the special interest groups had public interests, single-issue interests, or ideological interests? Explain.
- Would you want to be a state legislator who makes these kinds of decisions? Why or why not?
- Why is it important for North Carolina citizens to participate in the election process of their legislators?
- How is the work of state legislators relevant to each of us?

Additional Activities

- Have students read the *New York Times* editorial, "Justice Kennedy on Prisons" and write a "letter to the editor" expressing their opinions. The article can be found at:
<http://www.nytimes.com/2010/02/16/opinion/16tue3.html>

Inmate population swells, budget declines

by Michael Biesecker

From the News & Observer, August 30, 2009

As a result of tough-on-crime sentencing laws approved by legislators 15 years ago, North Carolina's inmate population is booming and will soon outpace the number of prison beds. Despite this, the state budget signed by Gov. Beverly Perdue this month orders seven small prisons closed, eliminates 972 corrections jobs and cuts programs aimed at keeping juvenile offenders from becoming hardened criminals.

Administrators say the state Department of Correction can safely absorb the cuts in the short-term by increasing the number of inmates at other facilities. But judges, legislators and others with a stake in the criminal justice system worry that the growth, if unchecked, will soon result in prisons so crowded as to be unsafe for inmates and staff.

Last year, the state budgeted more than \$1.5 billion for prisons and probation. That's 3.5 times what was spent in 1985, when adjusted for inflation. The number of inmates has more than doubled over the same period, from 17,430 to about 39,000. The system has about 20,000 workers, making it the largest employer among state agencies. "We can't just keep putting more and more people in prison," said Sen. Ellie Kinnaird, a Democrat from Carrboro who co-chairs the legislative committee that oversees justice and public safety. "We can't afford it."

At the heart of the issue is the conflict between strained state resources in the worst economic recession in a generation and the unwillingness of legislators to budge on laws that mandate longer sentences. The \$74 million in budget cuts and prison closures requires the relocation of about 950 inmates and cuts programs that are popular with inmates and the public, such as family visitation, gyms and the community work crews that provide cheap labor for local governments. Money for the crews that collect litter along the state's highways was also reduced.

The budget also cut \$33 million and 122 jobs from the state Department of Juvenile Justice and Delinquency Prevention, eliminating the Governor's One-on-One program, which provides mentors for at-risk youth. Legislators cut two state-funded wilderness camps for children with behavioral problems, and Support Our Students, an afterschool program aimed at keeping youngsters out of trouble, is also being discontinued.

Job losses ahead

Many of the positions are vacant, but about 620 employees at the N.C. Department of Correction will lose their jobs if other positions can't be found for them in the system. Inmates at the prisons being closed will be transferred to other facilities. In some cases, cells now used to hold one inmate will be modified to bunk two, while custody classifications at some facilities will be lowered to increase dormitory style-housing.

Jennie Lancaster, chief deputy secretary at the state Department of Correction, said there are limits to how many facilities can be converted to hold more prisoners, especially at the higher security levels. "We need to run a safe system," said Lancaster, a former warden who has worked in the state's prisons for 32 years. "We have said to legislators we consider this a temporary solution. ... The state is going to have to either keep adding prison beds or find a way to slow down growth in the prison population."

A review by the legislature's fiscal research office this year projected that by 2018 the state's prison population will outpace the planned beds by 7,488 inmates. That projected shortfall takes into account 2,268 prison beds scheduled to be added through new construction by 2012 at a budgeted cost of \$101 million.

Each maximum security bed the state adds costs as much as \$136,500 to build, not including the recurring annual expense of feeding and guarding those additional inmates. On average, it costs the state \$27,310 a year to keep someone behind bars.

In the matter of law

Much of the growth in North Carolina's prison system is driven by two legislative changes made in the mid-1990s as a response to rising crime rates. In 1994, legislators required offenders to spend more time in prison before they are eligible for parole. Two years later, legislators ended statewide caps on the prison population.

Legislators passed two laws this year sponsored by Kinnaird that will decrease the inmate population in future years by tweaking sentencing guidelines. But a third bill that would have cut the prison terms of many felons by three months and added that time to the length of post-release supervision failed to come up for a vote. "The three bills together would have had a tremendous impact, essentially stopping the growth," Kinnaird said. "But they [legislators] couldn't go along with that." Kinnaird said cuts to juvenile programs and funding for the state's mental health division could exacerbate the expected growth in inmate population. "The Department of Correction is very nervous," Kinnaird

said. "Double-bunking sets up a very dangerous situation. You only have to look at California to see the disaster of having 6,000 inmates in facilities built for 3,000. The increased violence becomes harder and harder to control."

Often cited as a worst case scenario, the California prison system is one of the most crowded in the nation, with many of its facilities holding more than twice the number of inmates they were designed for. A federal court concluded this month that overcrowding and poor health care is resulting in an avoidable inmate death each week. An Aug. 5 riot and fire at a prison outside Los Angeles left 250 inmates injured and 55 hospitalized.

District Court Judge Marcia Morey of Durham said eliminating programs in North Carolina aimed at helping juvenile offenders and at-risk children is short-sighted and will potentially cost taxpayers far more down the road. "I think we're going to pay," said Morey, who advocates for stronger state services for juvenile offenders. "When you cut community-based services, curfew checks and counseling, you're going to see the results out the back door. It's a recipe for increased juvenile delinquency, which will escalate into adult crime."

Another issue is that more than a third of those entering prison are ex-offenders who either violated the terms of their probation or were arrested on new charges.

Bill Rowe, a lawyer for the liberal N.C. Justice Center, advocates doing more to help those released from prison to find jobs, housing and vocational training. "The current system of incarceration and re-incarceration is not working and is eroding the safety of our communities," Rowe said.

A coalition of groups supporting reform heard a presentation last month by Jerry Madden, a GOP legislator from Texas who helped revamp that state's corrections system to blunt overpopulation. Texas is one of nine states in a program run by the national Council of State Governments aimed at lowering prison spending and inmate numbers by investing in programs that improve law enforcement and living conditions in targeted neighborhoods where data shows the most crime occurs. Since 2006, Texas has managed to halt growth in its prison population while lowering rates of violent crime. "I think we came to the conclusion it was smarter and a wiser utilization of our money to invest in programs that can change people's lives, save taxpayers money and at the same time make the community safer," Madden said Friday.

Correction administrators and some legislators say they're interested in instituting similar initiatives. The new budget allocates \$100,000 for studying programs within the state and across the nation that have reduced the numbers of people going into prison. But reducing sentence lengths for criminals is likely to be a tough sell at the legislature.

Sen. Phil Berger, a Republican from Eden, said the state needs to spend whatever it takes to build enough prisons to keep up with the number of inmates entering the system. "There is recognition, even amongst Democrats, that you can't just let a lot of folks out of prison," said Berger, the GOP leader in the state Senate. "Many of those people are in prison for a reason, and when they get out early or you reduce sentences, we see examples of folks creating havoc once they're released."

Kinnaird said she hopes a bipartisan solution can be found before overpopulation becomes a crisis. "If we can convince a conservative Republican from Texas there is a different way to go, I think we have a very good chance of explaining to people here that we're approaching this all wrong," Kinnaird said. "We can't keep doing the same thing and expect different results."

*Adapted by Carolina K-12
Source: News & Observer*

Name _____

Inmate Population Swells, Budget Declines Questions

1. What do you think “tough on crime sentencing laws” are?
2. How much did the state spend on prisons and probation in 2008?
3. What is the major conflict at the center of this issue?
4. List two programs that are being cut due to budget problems.
5. How much does it cost to keep someone behind bars in North Carolina per year?
6. What two legislative changes helped drive the growth of NC prison population and what was it a response to?
7. Cuts to what two programs could “exacerbate the expected growth in inmate population”
8. What state is cited as a “worst case scenario” in regards to prisons? Why?
9. What reform(s) did Texas make to try to lower prison spending and inmate populations?
10. Do you agree with Sen. Phil Berger’s stance that the “state needs to spend whatever it takes to build enough prisons to keep up with the number of inmates entering the system?”
11. Who else might be opposed to cutting funding to prisons? Why?
12. What do you think are some alternatives to incarceration?

Inmate Population Swells, Budget Declines Answer Key

1. What do you think “tough on crime sentencing laws” are?

Strict punishments placed upon those convicted of crimes, designed to deter people from committing crimes and to keep convicted persons locked up. Some examples include: Three strikes laws, mandatory minimum sentences, and zero tolerance policies.

2. How much did the state spend on prisons and probation in 2008? **\$1.5 Billion**

3. What is the major conflict at the center of this issue?

The major conflict at the center of this issue is between strained state resources during a recession and lawmakers refusal to budge on laws that mandate longer sentences.

4. List two programs that are being cut due to budget problems.

**1. Family visitation 2. Gyms 3. Community work crews 4. Juvenile One-on-One program
5. Wilderness camps for children 6. Support Our Students**

5. How much does it cost to keep someone behind bars in North Carolina per year? **\$27,310**

6. What two legislative changes helped drive the growth of NC prison population and what was it a response to?

The two legislative changes that helped drive the growth of the NC prison population were requiring prisoners to spend more time in prison before being eligible for parole and ending the statewide cap on the prison population. Both of these measures were a response to rising crime rates in the 1990's.

7. Cuts to what two programs could “exacerbate the expected growth in inmate population”

Cuts to juvenile programs and funding for state’s mental health division could “exacerbate the expected growth of the inmate population.”

8. What state is cited as a “worst case scenario” in regards to prisons? Why?

California because overcrowding in prison can increase the amount of health problems and the amount of violence.

9. What reform(s) did Texas make to try to lower prison spending and inmate populations?

Texas has created programs that improve law enforcement and living conditions in targeted high crime neighborhoods.

10. Do you agree with Sen. Phil Berger’s stance that the “state needs to spend whatever it takes to build enough prisons to keep up with the number of inmates entering the system?”

11. Who else might be opposed to cutting funding to prisons? Why?

12. What do you think are some alternatives to incarceration?

Can Our Shameful Prisons Be Reformed?

by David Cole

Section 1.

With approximately 2.3 million people in prison or jail, the United States incarcerates more people than any other country in the world—by far. Our per capita rate is six times greater than Canada's, eight times greater than France's, and twelve times greater than Japan's. Here, at least, we are an undisputed world leader; we have a 40 percent lead on our closest competitors—Russia and Belarus.

Even so, the imprisoned make up only two thirds of one percent of the nation's general population. And most of those imprisoned are poor and uneducated, disproportionately drawn from the margins of society. For the vast majority of us, in other words, the idea that we might find ourselves in jail or prison is simply not a genuine concern.

For one group in particular, however, these figures have concrete and deep-rooted implications—African-Americans, especially young black men, and especially poor young black men. African-Americans are 13 percent of the general population, but over 50 percent of the prison population. Blacks are incarcerated at a rate eight times higher than that of whites—a disparity that dwarfs other racial disparities. (Black-white disparities in unemployment, for example, are 2–1; in nonmarital childbirth, 3–1; in infant mortality, 2–1; and in net worth, 1–5).

In the 1950s, when segregation was still legal, African-Americans comprised 30 percent of the prison population. Sixty years later, African-Americans and Latinos make up 70 percent of the incarcerated population, and that population has skyrocketed. The disparities are greatest where race and class intersect—nearly 60 percent of all young black men born between 1965 and 1969 who dropped out of high school went to prison at least once on a felony conviction before they turned thirty-five. And the incarceration rate for this group—black male high school dropouts—is nearly fifty times the national average.

These disparities in turn have extraordinary ripple effects. For an entire cohort of young black men in America's inner cities, incarceration has become the more-likely-than-not norm, not the unthinkable exception. And in part because prisons today offer inmates little or nothing in the way of job training, education, or counseling regarding their return to society, ex-offenders' prospects for employment, housing, and marriage upon release drop precipitously from their already low levels before incarceration.

That in turn makes it far more likely that these ex-offenders will return to criminal behavior—and then to prison. Meanwhile, the incarceration of so many young men means more single-parent households, and more children whose fathers are in prison. Children with parents in prison are in turn seven times more likely to be imprisoned at some point in their lives than other children. As Brown professor Glenn Loury puts it in *Race, Incarceration, and American Values*, we are "creating a racially defined pariah class in the middle of our great cities."

The most dramatic effects of this incarceration are concentrated on the most disadvantaged—those who are not only African-American or Latino, but also poor, uneducated, and living in highly segregated ghettos. While roughly 60 percent of black high school dropouts have spent time in prison, only 5 percent of college-educated African-Americans have done so. The indirect consequences of such disparities, however, extend much further. Many people cannot tell whether an African-American is a dropout or college-educated—or, more relevant, a burglar or a college professor, as Harvard professor Henry Louis Gates found in July 2009, when he was arrested after trying to get into his own house. The correlation of race and crime in the public's mind reinforces prejudice that affects every African-American.

Can Our Shameful Prisons Be Reformed?

By David Cole

Section 2

Until 1975, the United States' criminal justice system was roughly in line with much of Europe's. For fifty years preceding 1975, the US incarceration rate consistently hovered around 100 inmates per 100,000; criminologists made careers out of theorizing that the incarceration rate would never change. Around 1975, however, they were proved wrong, as the United States became radically more punitive. In thirty-five years, the incarceration rate ballooned to over 700 per 100,000, far outstripping all other countries.

This growth is not attributable to increased offending rates, but to increased punitiveness. Being "tough on crime" became a political mandate. State and federal legislatures imposed mandatory minimum sentences; abolished or radically restricted parole; and adopted "three strikes" laws that exact life imprisonment for a third offense, even when the offense is as minor as stealing a slice of pizza. Comparing the ratio of convictions to "index crimes" such as murder, rape, and burglary between 1975 and 1999 reveals that, holding crime constant, the United States became five times more punitive. Harvard sociologist Bruce Western estimates that the increase in incarceration rates since 1975 can take credit for only about 10 percent of the drop in crime over the same period.

Much of the extraordinary growth in the prison and jail population is attributable to a dramatic increase in prosecution and imprisonment for drug offenses. President Reagan declared a "war on drugs" in 1982, and the states eagerly followed suit. From 1980 to 1997, Loury tells us, the number of people incarcerated for drug offenses increased by 1,100 percent. Drug convictions alone account for more than 80 percent of the total increase in the federal prison population from 1985 to 1995. In 2008, four of five drug arrests were for possession, and only one in five was for distribution; fully half of all drug arrests were for marijuana offenses.

African-Americans have borne the brunt of this war. From 1985 to 1991, the number of white drug offenders in state prisons increased by 110 percent; the number of black drug offenders grew by 465 percent. The average time served by African-Americans for drug crimes grew by 62 percent between 1994 and 2003, while white drug offenders served 17 percent more time. Though 14 percent of monthly drug users are black, roughly equal to their proportion of the general population, they are arrested and imprisoned at vastly disproportionate rates: 37 percent of those arrested for drug offenses are black as well as 56 percent of those in state prisons for drug offenses. Blacks serve almost as much time in prison for drug offenses (average of 58.7 months) as whites do for violent crimes (average of 61.7 months).

But is the majority really off the hook? In fact, the prison boom has high costs for all of us. A new prison opens somewhere in the United States every week. Imprisoning a human being in this country costs a minimum of \$20,000 a year, far more than tuition at any of our state universities. National spending on prisons and jails was \$7 billion in 1980; it is \$60 billion today. Several states now spend more on state prisons than state colleges. We literally cannot afford our political addiction to incarceration.

Moreover, the incarceration boom means that there is also now a boom in prisoners being released. In 2008, approximately 700,000 prisoners were released. At current rates of recidivism, 469,000 of them will be rearrested within three years. We all have an interest in helping this at-risk population avoid a return to a life of crime.

The war on drugs has by most accounts been a failure, and we are all paying the bill. In 2008, 1.7 million people were arrested for drug crimes. Since 1989, more people have been incarcerated for drug offenses than for all violent crimes combined. Yet much like Prohibition, the war on drugs has not ended or even significantly diminished drug use. It has made drugs more expensive, and fostered a multibillion-dollar criminal industry in drug delivery and sales. Drugs have become more concentrated and deadly; twice as many people die from drugs today than before the war on drugs was declared. If anything, the war on drugs has probably increased

the incidence of crime; about half of property crime, robberies, and burglaries are attributable to the inflated cost of drugs caused by criminalizing them.

More fundamentally, as citizens we all have a stake in the fairness and legitimacy of our criminal justice system for both moral and pragmatic reasons. The character of our nation is determined in significant part by how we treat the criminally accused. It is no accident that the Bill of Rights concentrates primarily on protecting the rights of those suspected of crime. These amendments were deemed necessary precisely because political majorities are likely to seek shortcuts on fairness when crime is alleged, even though fairness is fundamental to the integrity of the criminal justice system. The legitimacy of the criminal justice system is essential because it encourages law-abiding behavior. If people believe in the basic legitimacy of a leader or procedure, they are far more likely to abide by the rules. If, on the other hand, a system is seen as corrupt, unfair, or unjust, those subjected to it will be less inclined to respect it. A legal system that relegates the majority of our most disadvantaged populations to incarceration, and does next to nothing to help them avoid prison or to reintegrate into society upon release, invites disrespect—and crime.

Can Our Shameful Prisons Be Reformed?

By David Cole

Section 3

How do we escape the self-defeating cycle of crime and punishment? Anthony Thompson suggests that we focus on the neediest—the 700,000 or so prisoners who are released each year. Before the incarceration boom, the avowed purpose of criminal sentencing in America was rehabilitation. Prison sentences were often open-ended, with the idea being that a successful course of rehabilitation would warrant an earlier release. In the 1970s, however, the nation began to sour on rehabilitation, and over the next two decades state and federal authorities eliminated most efforts to educate, train, and counsel prisoners with a view toward preparing them for their return to society.

Thompson argues that when 700,000 prisoners are being released each year, we ignore at our peril their reintegration into our society. A stable home, job, and health are strong predictors of law-abiding behavior. But incarceration makes stability much more difficult to obtain in all these respects. Public housing laws often bar offenders, and private landlords routinely discriminate against them. Federal and state laws broadly prohibit ex-offenders from hundreds of jobs, often without any rational justification, and even where no bar exists, private employers are less than eager to hire them. Prisoners who enter prison without physical and mental illnesses often develop them while inside. Yet as Thompson demonstrates, society does virtually nothing to help ex-offenders find homes, jobs, or health care—thereby virtually guaranteeing a cycle of recidivism.

Thompson proposes a variety of sensible reforms—eliminating laws that irrationally bar ex-offenders from jobs and housing, providing health care and counseling to help smooth the transition back to life outside of prison. But the question he leaves unanswered is the most difficult one: Where is the political impetus for such reform? If Americans are skeptical about the government providing health insurance for the law-abiding, what is going to make them support it for ex-offenders? And if we do not invest in sufficient job training or public housing for those who have never been imprisoned, why would we do so for those who have violated criminal laws?

Butler offers a broader set of proposals. Some are, like Thompson's, eminently sensible. He calls for decriminalizing the possession of small amounts of drugs for personal use, for example. Several other nations, including the Netherlands, Spain, France, and Mexico, have done just that, without any evident rise in drug use. And he recommends that we treat drugs as a public health issue, adopting "harm reduction" strategies such as needle exchange.

Butler also suggests that we offer economic incentives to encourage young people to stay in school. In view of the number of high school dropouts who land in prison, if we can keep young people in school, we may be able to keep them out of prison. From a purely economic perspective, it takes a lot less money to induce an at-risk young man to remain in school than it does to lock him up for a year. Similarly, Butler's proposal that we invest in eliminating sources of lead poisoning makes economic sense, since exposure to lead in children turns out to be highly correlated with criminal behavior subsequently. Butler also calls for a general reduction in criminal sentences, and for the early release of nonviolent offenders, many of whom should never have been locked up in the first place.

Can Our Shameful Prisons Be Reformed?

By David Cole

Section 4

It is, after all, real reform that we need. On that front, the biggest challenge is that the very demographics that make the pattern of crime and punishment in America so skewed against blacks and Latinos also make it all too easy for politicians, and the majorities they represent, to adhere to an unthinking "tough on crime" attitude. Senator Jim Webb has dared to buck that trend, proposing a national commission to study inequality in the criminal justice system. Such an effort would bring welcome, and long overdue, attention to the issue, and might impel us to do something about the problems we have all too complacently ignored.

Recent years have shown some softening in the politics of crime. Between 2004 and 2006, twenty-two states adopted reforms that shortened criminal sentences. In 2004, New York amended its notoriously draconian Rockefeller-era drug laws, and revised them again this year to make low-level offenders eligible for shortened sentences, or in some cases for treatment programs instead of prisons. In 2005, Connecticut eliminated the disparity in sentences for crack and powder cocaine under its state law, and in 2007, the Supreme Court ruled that federal judges could depart from strict "sentencing guidelines" and impose more lenient sentences based on concerns about the racial disparities caused by the different treatment of crack and powder cocaine under federal law. In April 2009, the Obama administration came out in favor of eliminating the crack-powder disparity altogether in federal law.

Several states have expanded drug treatment options as alternatives to prison for drug offenses. A RAND Corporation study estimates that treatment is fifteen times more effective at reducing drug-related crime than incarceration. An increasingly popular way of diverting drug offenders to treatment is through the use of "drug courts," in which judges oversee treatment programs and dismiss criminal charges upon a defendant's successful completion of treatment. The first drug court was introduced in 1989; as of 2007, there were 1,662 such courts across the country.

Thompson's argument that reformers should give special attention to those being released from prison because they otherwise pose a significant risk of recidivism has also gained adherents. Rehabilitation has hardly been revived, but under the rubric of "re-entry" into society, states and the federal government are increasingly promoting programs that address the serious problems that ex-offenders face. As Helen Epstein has shown, "restorative justice" efforts, which seek to facilitate reintegration through counseling that encourages offenders to take personal responsibility for their wrongdoing, have demonstrated positive results. Still, while acknowledging personal responsibility is undoubtedly important, it won't do the trick without a place to live, a job, and strong family ties.

States have also increasingly sought to ameliorate the effects of laws that deny ex-felons the right to vote. "Felony disenfranchisement" laws render large numbers of African-American men ineligible to vote, and extend the racial disparities in the criminal justice system into electoral politics. As a result of these laws, one in eight black men of voting age is ineligible to vote. The laws also frustrate reintegration, for they imply that an ex-offender can never be a full citizen. Since 1997, nineteen states have amended their laws to mitigate these restrictions and give ex-offenders more opportunity to regain their eligibility to vote. With five million potential voters still affected, there is much more work to be done, but the trend line is positive.

Finally, several states, including California and Texas, have sought to reduce the drain on their budgets caused by their prisons by identifying nonviolent offenders who can be released early without posing a threat to the community. Under a program called "Justice Reinvestment," spearheaded by the Council of State and Local

Governments and supported by the US Justice Department, some states, including Connecticut, Kansas, Vermont, and Texas, have also redirected some of the money saved by early release to the high-risk neighborhoods from which so much of the imprisoned population comes. The idea is that if states invest in these communities, they may save money in the long run by reducing the numbers of community members who commit crimes.

The impetus for these reforms has more often than not been economic. States simply cannot afford to continue devoting huge and growing portions of their dwindling budgets to prisons and jails, and are increasingly interested in determining whether there are people in prison who need not be there. Since two thirds of prisoners are incarcerated for nonviolent offenses, and many of those for nonviolent drug offenses in particular, these reforms make clear budgetary sense.

At the same time, our addiction to punishment should be troubling not only because it is costly and often counterproductive, but because its race and class disparities are morally unacceptable. The most promising arguments for reform, therefore, must appeal simultaneously to considerations of pragmatism and principle. The very fact that the US record is so much worse than that of the rest of the world should tell us that we are doing something wrong, and the sheer waste of public dollars and human lives should impel us toward reform. But as the authors of these three books make clear, we will not understand the problem fully until we candidly confront the fact that our criminal justice system would not be tolerable to the majority if its impact were felt more broadly by the general population, and not concentrated on the most deprived among us.

Name: _____

Can Our Shameful Prisons Be Reformed?

Each of your group members has a separate excerpt from this article. You must carefully read your excerpt and be prepared to summarize it for your group members. As you read, note the most important points from your article below:

1.

2.

3.

4.

5.

6. What did you find most interesting or surprising from your excerpt?

7. What do you think the author's purpose is in writing this article?

8. Do you have any questions regarding the information you read?

After all group members have shared their summaries, answer the following questions together:

1. Why do you think the United States has the highest prison population in the world?
2. What groups of people disproportionately make up America's prison population? Why do you think this is the case?
3. What statistics does the author note that evidence the disparities in our prison system?
4. Why do you think people are opposed to spending money on prisoner education, job training, and counseling? In your opinion, what role should prisons serve in preparing prisoners for returning to society?
5. What effect has America's "tough on crime" ideology had on the prison population?
6. How has the "war on drugs" affected America's prisons? What alternatives might our nation explore to reduce the amount of people imprisoned for minor drug infractions (if any)?
7. How much does it cost to incarcerate someone for a year? Do you feel this is a wise use of tax dollars? Why or why not? What alternatives should our government consider?
8. According to the author, why is it important that our criminal justice system be "legitimate" and treat everyone fairly?
9. Why is the lack of rehabilitation programs for prisoners, and assistance for prisoners released, dangerous to our society? Why do you think many Americans dislike the idea of providing such services?
10. According to Anthony Thompson, how do we escape the self-defeating cycle of crime and punishment? List two of his suggested reforms.
11. The author notes that keeping youth in school will keep them out of prison. Do you agree or disagree and why?
12. List two suggestions Paul Butler offers to reduce the prison population.
13. What are some problems with "nullification?"
14. List two reforms states have taken to address this issue.

Can Our Shameful Prisons Be Reformed? Answer Key

1. Why do you think the United States has the highest prison population in the world? *Answers will vary*
2. What groups of people disproportionately make up America's prison population? Why do you think this is the case? *The poor, the uneducated, African Americans and Latinos, African American males; answers will vary regarding why*
3. What statistics does the author note that evidence the disparities in our prison system?
African-Americans are 13 percent of the general population, but over 50 percent of the prison population. Blacks are incarcerated at a rate eight times higher than that of whites. 60 percent of black high school dropouts have spent time in prison, but only 5 percent of college-educated African-Americans have done so.
4. Why do you think people are opposed to spending money on prisoner education, job training, and counseling? In your opinion, what role should prisons serve in preparing prisoners for returning to society? *Answers will vary*
5. What effect has America's "tough on crime" ideology had on the prison population? *It has risen dramatically, with many prisoners only having committed non-violent, minor drug infractions*
6. How has the "war on drugs" affected America's prisons? What alternatives might our nation explore to reduce the amount of people imprisoned for minor drug infractions (if any)? *Answers will vary*
7. How much does it cost to incarcerate someone for a year? Do you feel this is a wise use of tax dollars? Why or why not? What alternatives should our government consider? *A minimum of \$20,000 a year per inmate; answers will vary*
8. According to the author, why is it important that our criminal justice system be "legitimate" and treat everyone fairly?
If the system is unfair, more people are likely to disrespect the law
9. Why is the lack of rehabilitation programs for prisoners, and assistance for prisoners released, dangerous to our society? Why do you think many Americans dislike the idea of providing such services? *Answers will vary*
10. According to Anthony Thompson, how do we escape the self-defeating cycle of crime and punishment? List two of his suggested reforms.
Focus on the 700,000 prisoners being released each year. Help them get homes, jobs, and health care. Eliminate laws that bar ex-offenders from jobs and housing. Provide healthcare, counseling, and job creation.
11. The author notes that keeping youth in school will keep them out of prison. Do you agree or disagree and why?
Answers will vary.
12. List two suggestions Paul Butler offers to reduce the prison population.
Decriminalization of small amounts of drugs. Offer economic incentives to encourage people to stay in school. Early release for non-violent offenders. Jury nullification.
13. What are some problems with "nullification?"
Juries acquit in cases regardless of if the defendant is innocent or guilty, but only in cases involving victimless crimes. Some problems include, the lack of galvanizing effects due to secrecy; if jurors admit that they will never convict, they will not be able to sit on a jury; building a social movement on deceit isn't wise.
14. List two reforms states have taken to address this issue.
Reforms for shortened sentences, eliminating disparity between crack and cocaine sentencing, expanded drug treatment options, restorative justice efforts – counseling, trying to annul felony disenfranchisement laws, direct money towards high-risk crime neighborhoods in an attempt to prevent people from committing crimes.

Instructions for the Human Rights Coalition

You are part of the citizen advocacy group called the HUMAN RIGHTS COALITION (HRC) who is testifying today at a hearing of the NC General Assembly's Appropriations Subcommittee on Justice and Public Safety. Your group hopes to convince the Committee that they **SHOULD** cut funding to build more prisons.

Your group's mission is to abolish prisons. You believe that the prison system is based on a foundation of exploitation, punishment and corruption. The prison system reflects all the other social inequalities in our system, and it does not work in its current incarnation. You hope to make visible to the public the injustice and abuse that are common practice throughout our judicial and prison systems across the country, and eventually end those abuses. HRC understands that prisoners are human beings with problems that need to be addressed. You feel that all people should demand that the prison system focus on the rehabilitation of prisoners so that they can return to society as productive citizens with the skills needed to take care of their families.

Your organization's goals are:

- *To encourage the rehabilitation of prisoners.* HRC understands that prisoners are human beings with problems that need to be addressed and most, in time, will return to society. The majority of prisoners are sent to prison for drug charges and acts which involve no violence whatsoever.
- *To abolish the Prison Industrial Complex.* The charge to tax payers is \$35,000 per year to house a prisoner. The charge is \$65,000 per year for an older inmate. It is less expensive to send a person to Harvard for a year. Contracts are signed with private companies to provide food and clothing to prisons. New prisons continue to be built every year and are filled. Private prisons (not state owned) are now being built. These facts are evidence that the prison complex is a booming business designed to confine "prisoners" for profit; it is a business that is disguised as "get tough on crime."
- *To abolish the prison system.* The prison system is based on a foundation of exploitation, punishment and corruption. People of color make up 70 percent of the prison population. 80 percent of prisoners are there for non-violent offenses (the vast majority of these drug-related), and the crime rate has been declining over the past 20 years. Women are the highest rising population in prison, and most of them are there for crimes of survival, committed to feed themselves and their families. Most of the people in prisons are poor, brown, urban, functionally illiterate, unemployed or under-employed before they were locked down, and are there for non-violent crimes, mostly selling or using drugs. Obviously, the prison system is about all the other social inequalities in our system, and it does not work in its current incarnation. HRC supports its dismantling, and building in its place a system of accountability that is truly based in the community and focuses on healing, not punishing. (Source: <http://www.hrcoalition.com/>)

Prepare Your Presentation

1. Choose who will fulfill the different offices for your group listed below.

Name: _____ 1. Director – keeps conversation focused and ensures group is on task

Name: _____ 2. Researcher – uses textbook, internet, and other resources when necessary

Name: _____ 3. Presenter – presents argument to committee members (may select one other person from your group to assist you if needed)

Name: _____ 4. Communications – takes notes; confers with instructor if necessary.

2. Develop a 3 – 5 minute presentation with the purpose of convincing the NC state legislators to **CUT** funding to the Department of Corrections. Begin by brainstorming arguments for your presentation. Your statement must include at least one reference to the statistical handouts provided.
3. Make sure your presentation includes convincing reasons why legislators should see things your way. Use the information above as a starting point and add any other reasons to argue your side. You should also spend time inferring how other special interest groups may feel about the issue (see the provided *Summary of Special Interest Groups*). If they are arguing an opposite view, think about the ways to oppose their viewpoints in your presentation.
4. When presenting, be considerate, clear, and convincing. After your presentation, the committee members will be able to ask questions of your entire group. (*Questions should be answered by all group members, including those who did not present testimony.)
5. Once the hearing is complete, the panel of legislators will hold an open deliberation to determine how they will report back to the floor of the General Assembly.

Instructions for the Corrections Corporation of America

You are part of the citizen advocacy group called the CORRECTIONS CORPORATION OF AMERICA (CCA) who is testifying today at a hearing of the North Carolina General Assembly's Appropriations Subcommittee on Justice and Public Safety. Your group hopes to convince the Committee that they **SHOULD NOT** cut funding to build more prisons. Your private corporation is the leading provider of correctional solutions to federal, state, and local governments, so a cut to funding would negatively impact your business. You also strongly believe in your business model and believe that the prisons you operate do society a wonderful service.

Background Information:

- The Corrections Corporation of America (CCA), founded in 1983, is a public-private partnership in corrections combines the cost savings and innovation of business with the strict guidelines and consistent oversight of government. This has produced proven results for more than a quarter-century.
- CCA designs, builds, manages and operates correctional facilities and detention centers. You all claim that your business is about protecting public safety, employing the best people in solid careers, rehabilitating inmates, giving back to communities, and bringing innovative security to government corrections – all while consistently saving hardworking taxpayers' dollars.
- The company is the fourth-largest corrections system in the nation, behind only the federal government and two states.
- CCA houses approximately 75,000 offenders and detainees in more than 60 facilities, 44 of which are company-owned, with a total bed capacity of more than 80,000. CCA currently partners with all three federal corrections agencies (The Federal Bureau of Prisons, the U.S. Marshals Service and Immigration and Customs Enforcement), nearly half of all states and more than a dozen local municipalities.
- Since its inception, CCA has maintained its market leadership position in private corrections and employs nearly 17,000 professionals nationwide in security, inmate programs, facility maintenance, human resources, management and administration. The company has been named among "America's Best Big Companies" by Forbes magazine and ranked number one in the publication's "Business Services and Supplies" category. G.I. Jobs magazine also named CCA as a "Top 50 Military-Friendly Employer."
- CCA offers offenders a variety of dynamic rehabilitation and education programs, including addictions treatment, GED preparation and testing, post-secondary studies, life skills, employment training, recreational options and work opportunities.

(Source: <http://www.correctionscorp.com/>)

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Name: _____ 3. Presenter – presents argument to committee members (may select one other person from your group to assist you if needed)

Name: _____ 4. Communications – takes notes; confers with instructor if necessary.

2. Develop a 3 – 5 minute presentation with the purpose of convincing the NC state legislators to **INCREASE** funding to the Department of Corrections. Begin by brainstorming arguments for your presentation. Your statement must include at least one reference to the statistical handouts provided.

3. Make sure your presentation includes convincing reasons why legislators should see things your way. Use the information above as a starting point and add any other reasons to argue your side. You should also spend time inferring how other special interest groups may feel about the issue (see the provided *Summary of Special Interest Groups*). If they are arguing an opposite view, think about the ways to oppose their viewpoints in your presentation.
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Instructions for Senator Richard Burr

Your group represents Senator RICHARD BURR and his legislative assistants. Senator Burr is testifying today at a hearing of the North Carolina General Assembly's Appropriations Subcommittee on Justice and Public Safety. You all have made a special trip from Washington DC to try to convince the Committee that they **SHOULD NOT** cut funding to build more prisons.

Senator Burr's background information:

- Voted NO on funding for alternative sentencing instead of more prisons: Vote on an amendment that would reduce the funding for violent offender imprisonment by and truth-in-sentencing programs by \$61 million. The measure would increase funding for Boys and Girls Clubs and drug courts by the same amount.
- Voted YES on more prosecution and sentencing for juvenile crime: Vote to pass a bill to appropriate \$1.5 billion to all of the states that want to improve their juvenile justice operations. Among other provisions, this bill includes funding for development, implementation, and administration of graduated sanctions for juvenile offenders, funds for building, expanding, or renovating juvenile corrections facilities, hiring juvenile judges, probation officers, and additional prosecutors for juvenile cases.
- Voted NO on maintaining right of habeas corpus in Death Penalty Appeals: Vote on an amendment to delete provisions in the bill that would make it harder for prisoners who have been given the death penalty in state courts to appeal the decision on constitutional grounds in the federal courts ['Habeas Corpus'].
- Voted YES on making federal death penalty appeals harder: Vote on a bill to make it harder for prisoners who have been given the death penalty in state courts to appeal the decision on constitutional grounds in the federal courts.
- Rated 30% by CURE, indicating anti-rehabilitation crime votes: Burr scores 30% by CURE on rehabilitation issues. CURE (Citizens United for Rehabilitation of Errants) is a membership organization of families of prisoners, prisoners, former prisoners and other concerned citizens. CURE's two goals are to use prisons only for those who have to be in them; and for those who have to be in them, to provide them all the rehabilitative opportunities they need to turn their lives around. The ratings indicate the legislator's percentage score on CURE's preferred votes.
- Supports more prisons, more enforcement, and an effective death penalty in the "Taking Back Our Streets Act":
An anti-crime package including stronger truth in sentencing, "good faith" exclusionary rule exemptions, effective death penalty provisions, and cuts in social spending from this summer's crime bill to fund prison construction and additional law enforcement to keep people secure in their neighborhoods and kids safe in their schools.

Source: http://www.issues2000.org/domestic/Richard_Burr_Crime.htm

Prepare Your Presentation

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Name: _____ 3. Presenter – presents argument to committee members (may select one other person from your group to assist you if needed)

Name: _____ 4. Communications – takes notes; confers with instructor if necessary.

2. Develop a 3 – 5 minute presentation with the purpose of convincing the NC state legislators to **NOT CUT** funding to the Department of Corrections. Begin by brainstorming arguments for your presentation. Your statement must include at least one reference to the statistical handouts provided.
3. Make sure your presentation includes convincing reasons why legislators should see things your way. Use the information above as a starting point and add any other reasons to argue your side. You should also spend time inferring how other special interest groups may feel about the issue (see the provided *Summary of Special Interest Groups*). If they are arguing an opposite view, think about the ways to oppose their viewpoints in your presentation.
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5. Once the hearing is complete, the panel of legislators will hold an open deliberation to determine how they will report back to the floor of the General Assembly.

Instructions for CURE

You are part of the citizen advocacy group called CITIZENS UNITED FOR THE REHABILITATION OF ERRANTS (CURE) who is testifying today at a hearing of the North Carolina General Assembly's Appropriations Subcommittee on Justice and Public Safety. Your group hopes to convince the Committee that they **SHOULD** cut funding to build more prisons. CURE believes that prisons should be used only for those who absolutely must be incarcerated and that those who are incarcerated should have all of the resources they need to turn their lives around.

CURE's Alternatives to Incarceration:

1. States should develop comprehensive and restorative sentencing options, including, but not limited to: (1) diversion-from-prison programs; (2) community-corrections programs - including residential facilities with rehabilitation programs - such as alcohol and drug treatment, education, mental health services, job-skills development and job placement; and (3) post-release assistance.
2. Community-Corrections legislation should be enacted that financially supports such a plan, and provides incentives to counties to divert offenders from prison to community corrections. Local involvement in corrections should be promoted using community advisory boards with members from the following communities: social service, educational, business, religious, and general public. These advisory boards will help to devise and supervise the programs, and provide access to resources.

According to the report of the NY Unified Court System's prestigious Committee on Alternative Sanctions (including 7 judges and others from legislative, legal, and criminal justice areas):²

- "It is apparent that each year thousands of persons who present no, or a minimal, threat to public safety are being committed to state prison. And this is being done despite the exorbitant costs involved and despite the fact that community-based programs may well be as effective, or appreciably more effective, in rehabilitating these offenders."
- "Obviously, alternative programs, particularly those that offer long-term residential drug treatment, are not only a cheaper form of supervision but also may do a better job than incarceration in rehabilitating certain offenders."
- "The overwhelming percentage of trial judges consider limited program availability to be an obstacle in sentencing offenders."

Why CURE Endorses This Position

1. Such use of alternative justice methods will reduce prison and jail costs, hold people accountable for their crimes, and, without compromising public safety, help offenders to successfully reintegrate into the community. For example, the Brooklyn, NY Drug Treatment Alternative to Prison (DTAP) program diverts prison-bound felony offenders to residential drug treatment for 15-24 months, the 19% recidivism rate for DTAP's graduates contrasts with the 46% rate for similar defendants who did not participate in the program.
2. Also, Connecticut's Longitudinal Study compared arrest rates for graduates of their Alternatives to Incarceration Program (AIP) with the rates of comparable offenders sent to prison (DOC). It was found that the alternatives were 2-5 times more successful than prisons in reducing crime of drug offenders! And, of course, the AIPs were far less expensive.

Source: <http://www.curenational.org/cms/index.php>

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3. Make sure your presentation includes convincing reasons why legislators should see things your way. Use the information above as a starting point and add any other reasons to argue your side. You should also spend time inferring how other special interest groups may feel about the issue (see the provided *Summary of Special Interest Groups*). If they are arguing an opposite view, think about the ways to oppose their viewpoints in your presentation.
4. When presenting, be considerate, clear, and convincing. After your presentation, the committee members will be able to ask questions of your entire group. (*Questions should be answered by all group members, including those who did not present testimony.)
5. Once the hearing is complete, the panel of legislators will hold an open deliberation to determine how they will report back to the floor of the General Assembly.

Instructions for the Appropriations Subcommittee on Justice and Public Safety

As the NC Senate Appropriations Subcommittee on Justice and Public Safety, you and your fellow legislators are holding a hearing to help you determine whether or not to cut funding to the Department of Corrections to build more prisons. As a member of the North Carolina General Assembly, you represent the interests of your constituents in your home district and your job as an appointed member of the Subcommittee is to determine if funding to build more prisons should be cut and if so, what alternative punishments should be implemented. You have the choice of reporting back to the General Assembly in **favor of budget cuts for new prisons**, or **opposed to budget cuts for new prisons**. **For both opinions, you must suggest what measures can be exercised to reduce the prison population.**

The following groups/people will testify before you today in hopes to influence your opinion regarding this bill:

- The Human Rights Coalition
- Senator Richard Burr
- Citizens for the Rehabilitation of Errants (CURE)
- Corrections Corporation of America

Your job:

The Committee is composed of the following Senators:

- **Co-Chairman** [Sen. Warren Daniel](#)
- **Co-Chairman** [Sen. Shirley B. Randleman](#)
- **Co-Chairman** [Sen. Norman W. Sanderson](#)
- **Members** [Sen. Dan Blue](#), [Sen. Danny Earl Britt, Jr.](#), [Sen. Valerie P. Foushee](#)

The three co-chairs are always present at the meetings, but sometimes due to other conflicts, not all the other members are present. Once you have determined who is present, create a name tent for the meeting that identifies who you are and states your role on the committee.

1. Under the leadership of the Chair, review the action of cutting funding for new prisons as a group. Each of you should express your initial opinions of the measure. Create a list that highlights what you think the negatives and positives of cutting funding for new prisons would be.
2. Prepare for the groups who will be testifying in front of you today by reviewing the *Summary of Special Interest Groups*. Discuss the position that each group has taken on the proposed bill, and infer what types of things they might say in their testimony to you. Create 2-3 questions for each group, which will help you gain further details on their position or perhaps even challenge their views.
3. Once it is time for the meeting to begin, the Chair will welcome everyone then call up each presenting group to testify (up to 3 minutes is allowed.) Listen carefully to their position, opinion, and request.
4. After each group's presentation, the Chair will open the floor for questions. You may refer to the questions that you previously created or ask new questions based on information you hear in the groups' testimonies. Remember, you need to gather all of the information you can in order to make an informed decision.
5. Once the testimonies are complete, the Chair will lead the Committee in an open deliberation; at this time, you will express where you now stand. Remembering that the groups that presented to you today will have a role in either supporting or not supporting you in your reelection, you and your fellow legislators should attempt to come to a consensus regarding the measure through a process of dialogue, debate, and compromise.
6. At the end of the meeting, you will hold an open deliberation and decide whether or not prisons should lose funding and what alternatives should be used.

Human Rights Coalition: Their mission is to abolish prisons. They believe that the prison system is based on a foundation of exploitation, punishment and corruption. Most of the people in prisons are poor, brown, urban, functionally illiterate, unemployed or under-employed before they were locked down, and are there for non-violent crimes. The prison system reflects all the other social inequalities in our system, and it does not work in its current incarnation. Another goal is to make visible to the public the injustice and abuse that are common practice throughout our judicial and prison systems across the country, and eventually end those abuses. They also work to encourage the rehabilitation of prisoners. HRC understands that prisoners are human beings with problems that need to be addressed. Many prisoners have led horrendous lives of drug abuse, child abuse, or neglect, in addition to impacts of racism, sexism, classism and homophobia. They believe that we as citizens should demand that the prison system focus on the rehabilitation of prisoners so that they can return to society as productive citizens with the skills needed to take care of their families.

Corrections Corporation of America: The Corrections Corporation of America (CCA), is the nation's leading provider of correctional solutions to federal, state and local government. Our company – the first of its kind – was founded in 1983. Our approach to public-private partnership in corrections combines the cost savings and innovation of business with the strict guidelines and consistent oversight of government. This has produced proven results for more than a quarter-century. CCA designs, builds, manages and operates correctional facilities and detention centers on behalf of the Federal Bureau of Prisons, Immigration and Customs Enforcement, the United States Marshals Service, nearly half of all states and nearly a dozen counties across the country. CCA benefits America by protecting public safety, employing the best people in solid careers, rehabilitating inmates, giving back to communities, and bringing innovative security to government corrections – all while consistently saving hardworking taxpayers' dollars.

Senator Richard Burr: Senator Burr is a “tough on crime senator who voted NO on funding for alternative sentencing instead of more prisons; YES on more prosecution and sentencing for juvenile crime; NO on maintaining right of habeas corpus in Death Penalty Appeals; and YES on making federal death penalty appeals harder. Rated 30% by CURE, indicating anti-rehabilitation crime votes.

Citizens United For the Rehabilitation of Errants (CURE): We believe that prisons should be used only for those who absolutely must be incarcerated and that those who are incarcerated should have all of the resources they need to turn their lives around. We also believe that human rights documents provide a sound basis for ensuring that criminal justice systems meet these goals.