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The 20th Anniversary of get-tough-on-crime

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Twenty years of America's "get-tough-on-crime" philosophy is unraveling the fabric of our society and in the process creating more crime than it sought to combat.

Get-tough-on-crime started with the presidential elections of 1988. It was a knee jerk reaction to find political relevance in the vacuum created by the end of the cold war.

In October of 1988, on the eve of the presidential elections and in a desperate move to find relevancy, Florida politicians took their first step in get-tough-on-crime by passing the Felony Habitual Offender and Violent Habitual Offender legislation. This initiated a decade long effort to curb crime by progressively stringent punishments that culminated in the Three Strike Violent Felony Offender Act of 1999.

The unraveling of our society starts with turning youthful offenders into hardened criminals and culminates in a prison retirement plan for the geriatric felons.

In Florida, youthful offenders account for 25 percent or 8,662 of the men and women sent to prison in 2006. When released, they are absorbed into the fabric of felons where the recidivism rate is 68 percent.

Research shows that a fourth of those initially imprisoned for nonviolent crimes are sentenced for a second time for committing a violent offense. This pattern highlights the possibility that prison serves to transmit violent habits and values rather than to reduce them. This is a tsunami of crime in the making.

Mother-child relationships are also being torn apart by get-tough-on-crime. In Florida, women in prison went from 5 percent or 1,687 inmates in 1987 to 7 percent or 6,216 inmates in 2006. Estimates are that 80 percent of these women are mothers. At one child each, that means there are over 5,000 Florida children with mothers in prison. There is also the issue of prison births. At any given moment, there are 30 to 50 pregnant women in prison which means prison births are in the hundreds every year.

Another unintended cost of get-tough-on-crime is the rise of the over-50 prison population. This inmate population has gone from 6 percent or 3,715 inmates in 1987 to 13 percent or 11,178 inmates in 2006. A fair question: what percent committed felonies to qualify for a prison retirement?

Over the last two years, violent crime in Florida rose in spite of 20 years of get-tough-on-crime. This could be the leading edge of a violent crime wave that is 20 years in the making.

In view of this, the state has passed the anti-murder act to toughen up already tough laws. It's insane to do more of the same and expect different results.

The sense of safety that comes from full prisons is an illusion. Get-tough-on- crime has caused an upward spiral of plea bargaining for reduced sentences. If California can be used as a case in point, research shows the threat of higher penalties is a common strategy of prosecutors to force the accused to plea bargain down to lesser offenses.

These pleas may represent a 20 year distortion of crime statistics in general and in particular for which people are sent to prison.

Florida is not California but you only have to look at court records to see some remarkable parallels. E.g.: in January of 2006, state records for Circuit Criminal Defendants show 17,672 cases of which there were 13,901 pleas. This looks more like the bait-and-switch of a used car dealer than the integrity of a criminal justice system where every person gets their day in court.

The rhetoric of long sentences with mandatory minimums doesn't match reality. In 2006, over 37% or 33,348 of the total inmates incarcerated in Florida prisons were released. Compare this with a release rate of 34% or 22,141 inmates a decade ago.

What does the rest of the world know about crime and punishment that we have not learned? The scope of the lesson may rest in the incarceration ratios. These ratios per 100,000 are: United States – 737, Florida – 821, Alachua County 480. Compare these to the national incarceration ratios of other industrialized nations: Australia - 126, Canada - 107, England/Wales - 148, France - 85, and Japan - 62.

For the period 1998 to 2000, the average homicide rate (the number of homicides per 100,000 population) was 1.7 in EU Member States with the highest rates in Northern Ireland (3.1) as compared with the USA (5.9)."

A clue to the forces that fuel get-tough-on-crime may rest on our national figures showing a record 33-year continuous rise in the number of prison inmates. This trend started in 1973 and coincides with the initiation of the War on Drugs and the newly formed Drug Enforcement Administration.

High recidivism and incarceration rates fueled by the war on drugs are the 'cash cows' of the criminal justice complex. Out of this formula comes the surplus cash that makes the criminal justice complex among the highest ranking and more influential donors in Florida's politics.

There are some remarkable parallels between get-tough-on-crime, the war on drugs and the Children's Crusade of 1212. They started out as illusions and ended up by selling children into slavery.