Introduction

- Theme: the public has the “wrong” image of what sorts of criminals are sent to prison
- Myths about prisoners (Austin and Irwin)
  - Judges are soft of crime – our sentencing laws are so lax that most people get off many times from earlier offenses before they are “finally being sent to prison.”
  - We only send people to prison for very serious crimes.
  - The people in prison are vicious predators.

The Big Picture (From Hallstone NOT Austin and Irwin!)

- First of all the incarceration rate in the US had grown DRAMATICALLY over the past twenty five years – increased almost 5 times!
- Raw number or absolute size related to size of the state or nation. Those with most people have biggest state prison systems and vise versa
  - thus raw numbers of little value
- Incarceration rates more meaningful
  - Incarceration rate = # of prisoners per 100,000 residents (per state, per nation, etc.)
  - A ‘rate’ is the same thing as a ‘percentage’ – its just computed differently

The Real Incarceration Rate MUCH Higher!!!

2004 Prison Incarceration rate = 486 per 100,000 (in figure on previous slide)

The REAL 2004 Total Incarceration Rate = 724 per 100,000
(includes everyone locked up by the US in all prisons, jails, military, juveniles, etc)

Austin and Irwin’s Study

- Their study who is actually going to prison, the extent of their criminal involvement, the seriousness of their crimes, and the danger they pose to society (Austin and Irwin 2001: 19)
- They use both national-level Bureau of Justice Statistics and qualitative data they collected from 3 states.
- Very good real world data (although not perfect) – especially considering their conclusions are not politically popular!
  - The “dirty little secret” about studying crime in the US in past twenty or so years.
The daily prison population has increased 60 percent since 1990 for two reasons – namely the number of parole violations has increased, as has the length of prison terms” (Austin and Irwin 2001: 20).

### Number of Persons Going to State Prison, 1900 and 1997

<table>
<thead>
<tr>
<th>Year</th>
<th>State Prison Population</th>
<th>Total Prison Admissions</th>
<th>New Commitments</th>
<th>Average Time to Serve</th>
<th>Parole Violators</th>
</tr>
</thead>
<tbody>
<tr>
<td>1990</td>
<td>689,577</td>
<td>460,739</td>
<td>323,069</td>
<td>40 months</td>
<td>117,670</td>
</tr>
<tr>
<td>1997</td>
<td>1,100,850</td>
<td>540,748</td>
<td>326,547</td>
<td>42 months</td>
<td>214,201</td>
</tr>
</tbody>
</table>

% change

- 59.6%
- 17.8%
- 1.1%
- 5.0%
- 55.6%

### Supporting Data

#### Proportion of Felony Convictions Incarcerated, 1996

<table>
<thead>
<tr>
<th>Offense</th>
<th>Felony Convictions</th>
<th>Jail or Prison</th>
<th>Prison Only</th>
<th>% Incarcerated</th>
<th>% to Prison</th>
</tr>
</thead>
<tbody>
<tr>
<td>murder</td>
<td>11,430</td>
<td>10,833</td>
<td>10,505</td>
<td>94.8%</td>
<td>91.9%</td>
</tr>
<tr>
<td>robbery</td>
<td>42,831</td>
<td>37,382</td>
<td>31,195</td>
<td>87.3%</td>
<td>72.8%</td>
</tr>
<tr>
<td>aggravated assault</td>
<td>69,522</td>
<td>49,852</td>
<td>29,042</td>
<td>71.7%</td>
<td>41.4%</td>
</tr>
<tr>
<td>surgery</td>
<td>93,197</td>
<td>66,101</td>
<td>42,252</td>
<td>70.5%</td>
<td>45.3%</td>
</tr>
<tr>
<td>mv theft</td>
<td>17,794</td>
<td>13,242</td>
<td>5,919</td>
<td>74.4%</td>
<td>33.3%</td>
</tr>
<tr>
<td>drug trafficking</td>
<td>212,504</td>
<td>154,977</td>
<td>83,913</td>
<td>72.0%</td>
<td>39.5%</td>
</tr>
<tr>
<td>totals</td>
<td>447,278</td>
<td>332,387</td>
<td>202,826</td>
<td>78.7%</td>
<td>54.1%</td>
</tr>
</tbody>
</table>

I would like to see more than one year’s worth of data!

### Hallstone’s Addition to the argument: State Prison Proportional Growth by Most Serious Offense

<table>
<thead>
<tr>
<th>Year</th>
<th>Violent</th>
<th>Property</th>
<th>Drug</th>
<th>Public Order</th>
<th>Total Prisoners</th>
</tr>
</thead>
<tbody>
<tr>
<td>1980-1989</td>
<td>70%</td>
<td>93%</td>
<td>53%</td>
<td>219%</td>
<td>113%</td>
</tr>
<tr>
<td>% growth 1990-1999</td>
<td>92%</td>
<td>14%</td>
<td>46%</td>
<td>465%</td>
<td>74%</td>
</tr>
<tr>
<td>% growth 1980-1999</td>
<td>289%</td>
<td>174%</td>
<td>122%</td>
<td>873%</td>
<td>564%</td>
</tr>
</tbody>
</table>

Red Row Most Relevant to Austin and Irwin’s Data, but Tan Row of last 20 years is shocking!

% growth = (total number of prisoners in 1999 - total prisoners in 1990) divided by (total number of prisoners in 1990)

This growth during the decade of the 1990’s is in proportion to where it started in 1990

For all of the data see: http://socrates.uhwo.hawaii.edu/PubAd/hallstone/prisoners_by_offense.htm

### Myth: People Convicted of Serious Crimes are Rarely Locked Up

- Notion that system is “soft” on offenders is not true
- Most convicted felons locked up in prison!
  - ~69% of all convicted felons are incarcerated
  - Much higher for more serious crimes ~ 75%
- This 69% includes jail time! (why bad)
- But… jail time might be “tougher time”

### Hallstone’s Addition to the argument: State Prison Proportional Growth by Most Serious Offense

- (To their credit) some felons are truly dangerous and deserve and need to be incarcerated.
- However Austin and Irwin suspected that a good percentage of inmates do not fit the popular image of a hardened criminal
- (Irwin is an ex con who actually served time in prison)
- They did a qualitative ethnography of 154 male inmates
  - qualitative = stories and quantitative = numbers.
- RANDOMLY selected from the intake populations of three states - Washington, Nevada, and Illinois
- For three states probably pretty good choices although any criminologist would prefer more, however,
- Qualitative research is VERY time consuming and allows richer descriptions than quantitative surveys.

### Non-Violent Drug Users Account for Much of Growth

- Over time, we are also locking up a startling number of drug users.
- In 1960, only 5% of prison admissions were for drug crimes and in 1981 it was 9%.
- In 1996, 30% of all new court commitments to prison were for drug related crimes – about 8% for possession and 17% for trafficking.

### How many prisoners are “dangerous?”

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Austin and Irwin’s Qualitative Data

- Excellent qualitative study overall!
- 154 males randomly selected from intake population (people sent to prison from court) in WA, NV, and IL.
- They purposively selected intakes rather than daily counts (done by the Federal government) because, "Surveys of daily inmate populations provide a distorted picture of who is going to prison because those prisoners with longer sentences, usually sentenced for more serious crimes, stack up in the prison population and are overrepresented in one-day surveys" (Austin and Irwin 2001: 24).
- (If you do not understand this methodological statement – it makes sense. It is a good argument and they improve their estimation of "who is currently being sent to prison."

More on Their Methods I

- Used a list of people admitted in past two weeks and separated them into five categories based upon their most serious conviction:
  - Violent crimes (murder, rape, assault, etc)
  - Robbery (both armed and unarmed)
  - Other theft (burglary, larceny, etc)
  - Drug crimes (possession and trafficking)
  - All others
- Then they randomly selected 10 persons from each category from each of 3 states.
- Excluded women and parole violators who were not convicted of a new felony. This means that their sample was skewed towards persons who committed the most serious crimes!

More on Their Methods II

- They classified the seriousness of the inmates crimes using a very large (n=52,000) 1980 survey that asked the American public to rate the seriousness of certain crimes:
  - moderate crimes = acts involved minor injury, threat of injury, theft over $1000, the use of a weapon, use of heroin, or the selling of marijuana
  - serious crimes = theft over $10,000, serious injury, attempted murder, sales of heroin, or smuggling of narcotics
  - very serious crimes = rape, manslaughter, homicide, a child victim, or kidnapping
  - petty crimes = crimes that lacked any of these characteristics (two acts from the survey were “a person breaks into a department store and steals merchandise worth $10” and “a person smokes marijuana”)

Results: Those We Send to Prison Do Not Meet our Stereotypes!

- Most people being sent to prison don’t fit our image of the “hardened” criminal or violent thug.
- A good number of them are both inept criminals and social derelicts who do not hurt people and profit very little from their criminal endeavors.
- See next slide for table

National Estimate of Severity of Crimes Committed by Persons Admitted to Prison

<table>
<thead>
<tr>
<th>Offense</th>
<th>% new admissions*</th>
</tr>
</thead>
<tbody>
<tr>
<td>petty crimes</td>
<td>52.6</td>
</tr>
<tr>
<td>moderate crimes</td>
<td>29.3</td>
</tr>
<tr>
<td>serious crimes</td>
<td>13.2</td>
</tr>
<tr>
<td>very serious crimes</td>
<td>4.8</td>
</tr>
</tbody>
</table>

Now play the Sesame Street Game – “One of these things does not go with the other.” What’s wrong with this picture?

*Note percentages do not round to 100% as they adjusted their stratified samples to be representative of the national population of prisoners – GOOD science!

What does that table “mean” anyway?

- Over half Just over half (52%) of the people were sentenced for petty crimes, 30% for moderate crimes, 13% serious crimes, and just 5% for very serious crimes.
- This does not seem like a good use of a very expensive resource (prison) to me – but of course you are free to disagree. Seems “backwards!”
Description of Some of the Crimes

- First they acknowledge that a small % of crimes were very serious and these people should be locked up (pp. 30-31).
- BUT most people are sent to prison for what the average person would call a "petty crime."
- The authors write, "over half the persons being sent to prison are being sent for petty crimes, which are crimes with no aggravating features – that is, no significant amount of money, no injury, or any other feature that would cause ordinary citizens to view the crime as particularly serious." (Austin and Irwin 2001:26).
- A few stories of petty criminals from the book see pages 26-27.
- They also claim that a large number of the "moderate crimes" for cocaine sales and robbery are probably not as serious as the public might think.
- A few stories of moderate criminals from the book (pp. 29-30).

Patterns of Crime

- the public believes that most criminals are career criminals or "high rate offenders" that need to be "incapacitated." To test this they developed five typologies from their qualitative interviews: "into crime, crime episode, being around crime, derelicts, one-shot crime" and found the following:

<table>
<thead>
<tr>
<th>typology</th>
<th>% of new admissions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Into Crime</td>
<td>43%</td>
</tr>
<tr>
<td>Crime Episode</td>
<td>19%</td>
</tr>
<tr>
<td>Being Around Crime</td>
<td>18%</td>
</tr>
<tr>
<td>Derelicts</td>
<td>6%</td>
</tr>
<tr>
<td>One-Shot Crime</td>
<td>14%</td>
</tr>
</tbody>
</table>

Source: (Austin and Irwin 2001:32)

"Into Crime"

- 43% fit this description and are accurately described as high-rate offenders and most had extensive criminal records, BUT.
- Their qualitative descriptions indicate these people are not especially talented or vicious criminals:
- “All of our data strongly suggest that, rather than being vicious predators, most were disorganized, unskilled, undisciplined petty criminals who very seldom engaged in violence or made any significant amount of money from their criminal acts” (Austin and Irwin 2001: 33).

"Crime Episode" (p. 33)

- About 19% fit this description.
- These people had a less extensive criminal history than the "Into Crime" group, but more or less lived a conventional lifestyle.
- A "crime spree" or single crime led to their present prison term.

"Being Around Crime" (p. 34)

- About 18% of the sample fit this description.
- These are “corner boys” who are raised in high crime areas and, while they do not typically engage in criminal behavior themselves, are around it all the time.
- They are at risk of being “swept up” by police patrols and due to their attitudes against “the system” are often treated by cops, prosecutors, etc as if they were more serious criminals than they really are.
- While many are convicted of petty crimes (68% in this sample), only a very small portion served a prison term as an adult (8%) or a juvenile (15%).

"Derelicts" (p. 36)

- About 6% of the sample fit this description. “These men had completely lost the capacity to live in organized society” (Austin and Irwin 2001:36).
- The crimes that led to their incarceration were petty, but due to their extensive criminal history (91% had prior prison term and 71% were incarcerated as juveniles) and “disreputability” their crimes landed them in prison.
- They are “institutionalized” and tend to have serious drug and alcohol problems.
About 14% of the sample fit this description.

These people are just what they sound like – this was their first crime.

Conclusion

We are wasting a lot of money locking up “minor” criminals who are not dangerous to society.

“A number of studies have also discovered that when respondents are given scenarios that are closer to the actual crimes of most people sent to prison, the majority recommend some punishment other than imprisonment... Collectively these polls show that a majority of citizens would not recommend imprisonment for most of the people being sent to prison if they knew more about the offenders’ crimes and life circumstances” (Austin and Irwin 2001:47).