Who Goes to Prison?

PUBLIC MISPERCEPTIONS
ABOUT WHO GOES TO PRISON

The public reacts to crime with fear and intensity because they have been led to believe by the media and public officials that thousands of vicious, intractable street criminals menace innocent citizens. Actually, they have two slightly different images of the new street criminal. The “softer” version is that of a person who persists in committing property crimes even after repeated opportunities to live an honest life and after being arrested many times and serving numerous jail and prison sentences. The “harder” version is that of a violent criminal, equally intractable, who goes about his or her predatory crimes with no regard for other humans. When he snatches purses from old ladies, he bashes them in the head because he enjoys hurting people. When she robs a mom-and-pop grocery store, she executes her victims with a sneer on her face. Most Americans still believe that millions of these two slightly different types of street criminals stalk our streets; raid our homes; rape, assault, and murder innocent citizens; and generally menace and vilify our society.

For years, criminologists debunked the “evil person” theory of crime and instead attributed the crime problem to social and economic conditions. But recently, many researchers, perhaps swayed by the general conservative shift or lured by government incentives in the form of grants, jobs, and recognition, have resurrected old theories of the “criminal type” (now most often labeled
the "career criminal") and have searched for methods to identify such career criminals.

This trend started in 1970, when Marvin E. Wolfgang, Robert M. Figlio, and Thorsten Sellin examined the arrest records of all youths born in Philadelphia in 1945 and discovered that 6 percent of the youth in that "birth cohort" accounted for more than half of all the arrests or police contacts of the entire cohort. The idea that a few criminals commit most of the crime—along with the hope that there was some way to identify these persons before they embarked on their criminal careers—evolved from this study.1

In the early 1980s, Peter Greenwood and his colleagues at the Rand Corporation set out to identify "high-rate" offenders in samples of incarcerated burglars and robbers in Texas, Michigan, and California. Greenwood and Alan Abrahamse asked these prisoners how much crime they had committed in the months before incarceration. Ten percent of their sample stood out from the rest in the number of crimes they reported, and a set of characteristics distinguished this subgroup of high-rate offenders from the other robbers and burglars.2 Even though Greenwood and his associate at Rand Corporation, Susan Turner, discovered later that persons identified by these same characteristics actually did not continue to commit crimes of the type and at the rate expected of high-rate offenders (a finding that caused Greenwood to recant his earlier claims), the idea of the high-rate offender or career criminal had taken hold. Even today, the concept of the career criminal continues to drive America's imprisonment binge.3

In a series of longitudinal studies, Alfred Blumstein, along with various coauthors, examined forty-one different "career criminals," which they offered as a category independent of that of career criminal.4 (All persons who are arrested have a criminal career even if they commit one crime, which would constitute their entire criminal career.) Blumstein and his colleagues located subgroups of male offenders who, instead of maturing out of crime like the vast majority of offenders, continued to commit crime at the same rate throughout a relatively extended criminal career, that is, until they were past 35 years old. Blumstein abstained from calling these persons either high-rate offenders (actually, the frequency with which they committed crimes was relatively low) or career criminals. He recognized instead that the idea of career criminal implicitly assumes that certain individuals have significant differences from other offenders and these differences, whatever they are, propel them toward a career in crime. This is particularly essential in employing the concept of career criminal in criminal justice decisions, because there must be some way to distinguish career criminals early in their careers from the majority of offenders who do not persist in crime.

Blumstein's "persistence," it turned out, were not identified until far along on their criminal careers, and he and his associates could not locate "background" characteristics that separated them from many other male offenders who had less enduring criminal careers. In estimating the effect of Blumstein's articles, however, David Greenberg points out that there is a tendency for "laypersons to oversimplify, misunderstand, or lose sight of distinctions and qualifications criminologists make," and to see in these studies the positive identification of the career criminal. And this misconception definitely occurred, particularly among criminal justice policy makers. Characterizing the search as fruitless, Michael Gottfredson and Travis Hirschi note:

On March 26, 1982, 14 leading members of the criminology community in the United States met in Washington, D.C. to discuss the future of criminal justice research in this country. The priority area for future research listed first by this panel was "criminal careers." . . . Four years later the criminal career notion so dominates discussion of criminal justice policy and so controls expenditure of federal research funds that it may now be said that criminal justice research in this country is indeed centrally planned.5

Fear of crime and these new images of the criminal have encouraged politicians and judges to change sentencing laws and practices, a practice that has multiplied prison populations. But are popular images and the social scientists' ideas about contemporary criminals accurate? We think not, for the simple reason that most of these popular images of crime and criminals are shaped by the media, and media depictions consists mostly of selective attention on sensational crimes, politicians' rhetoric, and studies of career criminals funded by the federal government.

In these studies, social scientists have formed most of their ideas "in armchairs" (or now, more accurately, at computer desks), using evidence that is unreliable and skimpy—police arrest records, prison files, and convicts' penciled-in answers to questionnaires—which they study to discover the elusive traits of the career criminal. Very few of these criminologists have spent any significant time observing or talking to their subjects, the prisoners, something that is absolutely necessary to develop an accurate understanding of offenders' motives and criminal practices.

To discover who is actually going to prison, the extent of their criminal involvement, the seriousness of their crimes, and the "danger" they pose to society, we pursued a broad research methodology. In addition to examining the official records, we conducted lengthy interviews of persons sentenced to prison. This is not to say that we ignored the records and available statistics, but we went beyond the so-called hard data and sought a more accurate and comprehensive understanding of a complex social issue.

NATIONAL TRENDS ON PRISON ADMISSIONS

There are three basic ways one can be admitted to prison. First, you can be convicted of a felony-level crime and be directly sent to prison. Second, you can be convicted of the same crime but sentenced to a term of probation in lieu of a prison term. Should you fail to complete the probation term for any
of a variety of reasons (for example, you are convicted of another crime, fail to meet the terms of probation supervision, and so on), your probation status can be revoked by the judge, and you can be sentenced to prison. Third, if paroled from prison, you can be readmitted to prison as a parole violator if you fail to complete the conditions of parole supervision.

In 1997, the last year that aggregate national-level data are available, it was reported that an estimated 540,748 persons were admitted to state prisons (see Table 2-1). As shown in the table, most of these admissions were new court commitments, although the total number of these admissions has virtually remained unchanged. Despite the lack of increases in new court commitments, the daily prison population has increased by nearly 60 percent since 1990. This increase in the prison population has occurred for two reasons—namely, the number of parole violators has increased, as has the length of prison terms. The proportion of new admissions that are parole violators has increased from 23 percent to nearly 35 percent. Furthermore, the projected length of stay in prison has increased from 40 months to 42 months.

The estimated time to serve for new prison admissions differs dramatically from the U.S. Department of Justice's reported figure of 25 months served by inmates released from prison in 1996. This is due to several factors. First, the figures do not include the estimated 5 to 6 months one waits in jail before being transferred to the state prison or the amount of time parole violators spend in jail and prison until they are released again. Nor does it include the impact of recently adopted sentencing reforms such as mandatory minimums and the “truth in sentencing” laws that are designed to greatly lengthen prison terms. Nor do the data include the growing number of prisoners who have been sentenced to life. In 1996, approximately 1.2 percent of all prison sentences were life sentences (Bureau of Justice Assistance, May 1999). Because these inmates must die in prison, it will be many years before the effects of these sentences are factored into the release data.

The total amount of time an offender is actually incarcerated is a subject we will address in greater detail in Chapters 6 and 8. But it is clear that the current practice is not to send more people to prison but to reincarcerate them more often and/or keep them incarcerated for longer periods of time.

Another misconception of the public is that most persons convicted for serious crimes are infrequently imprisoned. Using national data, we can see that this perception is profoundly inaccurate (Table 2-2). Contrary to popular perceptions, the vast majority of these offenders who are convicted of a felony are incarcerated, with 89 percent sentenced to prison or jail. For those convicted of the most serious crimes, the rates are even higher, with three out of four convictions resulting in prison or jail. Most offenders sentenced to prison were sentenced for either nonviolent crimes or no crimes at all. As shown in Table 2-3, the vast majority has been originally sentenced for property, drug, and public order crimes. But these data provide very little information on such important items as the number of prior prison terms or prior felony convictions. However, a few states have been able to report on these key attributes. Texas completed an exhaustive study of its felony sentencing patterns with special attention to the attributes of offenders sentenced to state prison. That study reported the following sentencing patterns:

- Forty-nine percent of convicted felons were sentenced to prison. Twenty-four percent of the convicted felons sentenced to prison had no prior felony convictions.
- The most frequent crime resulting in a prison sentence was drug possession (22 percent) followed by burglary (20 percent), theft and fraud (20 percent), and drug delivery (15 percent). These four nonviolent crimes constituted 77 percent of all prison admissions.
- Fifty-three percent of all drug offenders (possession and trafficking) sentenced to prison were convicted for possession of one gram or less of the illegal substance.
- The Texas data, like those for many states, reflect the growing use of prison for incarcerating drug offenders. As shown in Table 2-4, over 50 percent of all
Table 2-3 Type of Offense for 1996 Prison Admissions
New Court Commitments and Parole Violators

<table>
<thead>
<tr>
<th>Most Serious Offense</th>
<th>New Court Commitments</th>
<th>Parole Violators</th>
</tr>
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<tbody>
<tr>
<td>Violent Crimes</td>
<td>29.5%</td>
<td>24.5%</td>
</tr>
<tr>
<td>Murder/manslaughter</td>
<td>2.7%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Rape</td>
<td>1.9%</td>
<td>1.4%</td>
</tr>
<tr>
<td>Other sexual assault</td>
<td>4.1%</td>
<td>2.4%</td>
</tr>
<tr>
<td>Robbery</td>
<td>9.1%</td>
<td>10.9%</td>
</tr>
<tr>
<td>Assault</td>
<td>8.7%</td>
<td>6.7%</td>
</tr>
<tr>
<td>Property Crimes</td>
<td>29.0%</td>
<td>35.1%</td>
</tr>
<tr>
<td>Burglary</td>
<td>12.0%</td>
<td>15.7%</td>
</tr>
<tr>
<td>Larceny/theft</td>
<td>7.5%</td>
<td>9.7%</td>
</tr>
<tr>
<td>Motor vehicle theft</td>
<td>2.1%</td>
<td>3.7%</td>
</tr>
<tr>
<td>Drug Crimes</td>
<td>30.2%</td>
<td>31.0%</td>
</tr>
<tr>
<td>Possession</td>
<td>8.0%</td>
<td>7.0%</td>
</tr>
<tr>
<td>Trafficking</td>
<td>17.2%</td>
<td>16.1%</td>
</tr>
<tr>
<td>Public Order</td>
<td>10.6%</td>
<td>8.1%</td>
</tr>
</tbody>
</table>


Prison sentences in 1996 were for drug crimes, with one-third being for simple possession. In 1960, the proportion of prison admissions for drug crimes was only 5 percent; in 1981, the percentage was only 9 percent (Figure 2-1). It is also no coincidence that as the proportion of prison admissions for drug crimes has increased, so have the proportions of nonwhites being sent to prison. Since 1960, this proportion has increased from 32 percent to 55 percent.

These quantitative studies suggest that a significant number of persons are being sentenced to prison for relatively minor crimes. This is not to say that there are not offenders who are highly dangerous and need to be incarcerated for long periods of time. But what proportion of these half-million prisoners are truly dangerous and require long-term confinement? To answer this question, we undertook a more detailed analysis of who goes to prison.

A CLOSER LOOK
AT WHO GOES TO PRISON

Although the data cited earlier suggest a far less violent population serving lengthy periods of imprisonment, they are unable to paint a complete picture of the criminal lifestyles or the types of crimes committed by the present prison population. To fill in these blanks, we conducted an ethnographic study of 154 males sentenced to prison, randomly selected from the intake populations of three states (Washington, Nevada, and Illinois). Although these cases were
drawn from studies conducted in the early 1990s, they are reflective of inmates who continue to be incarcerated and remain incarcerated due to the recently enacted sentencing reforms discussed earlier. We emphasize intake population because most studies of prison populations—such as the survey conducted every five years by the Bureau of Justice Statistics—are designed to answer the question "Who is in prison at a particular time?" Surveys of the daily inmate population 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.

The states we selected for our study varied in their sentencing structures, population sizes, rates of imprisonment, and lengths of imprisonment at the time of our research (Table 2-4). Illinois uses a determinate sentencing structure in which release occurs after a prisoner serves a significant proportion of the original sentence. Although a parole board exists, it has no authority to grant release. At the time of the study, Illinois had a large prison population (nearly 25,000 inmates) but a moderate rate of incarceration compared to other states (226 per 100,000 in 1989 versus the national average of 274 per 100,000). Although Illinois's determinate sentencing law eliminated discretionary release by the parole board, the vast majority of inmates must serve some period of parole supervision. Washington adopted sentencing guidelines with the specific goal of increasing lengths of stay for inmates convicted of violent crimes. It had a smaller prison population (approximately 7,000) and a low incarceration rate (144 per 100,000). Because Washington eliminated parole as part of its sentencing guidelines reform act, very few inmates were released to parole or violators returned to prison. Nevada had a relatively smaller inmate population but the highest incarceration rate (473 per 100,000). It uses an indeterminate sentencing scheme that allows inmates to be released by a parole board after serving approximately 20 percent of the original sentence.

In selecting inmates to be interviewed for the study, we received lists of inmates admitted to reception centers during the prior two weeks. We then separated the names on these intake lists into the following five categories based on the most serious crime of conviction:

1. Violent crimes (murder, rape, assault, and so forth)
2. Robbery (armed and unarmed)
3. Other theft (burglary, larceny, and so forth)
4. Drug crimes (possession and trafficking)
5. All others

Our sample does not include women or persons readmitted to prison for parole violation who were convicted of no new felony. The exclusion of these two groups means that our sample is biased toward those persons who have committed the most serious crimes. In most cases, a parole violation is triggered by arrests for misdemeanor crimes or violations of supervision, such as failure to appear for office visits with parole agents or failure to attend a prescribed treatment program. Female prisoners tend to be convicted of less serious crimes.

### Table 2-4: Key Characteristics of Three State Prison Systems

<table>
<thead>
<tr>
<th>Inmate Characteristic</th>
<th>Nevada</th>
<th>Illinois</th>
<th>Washington</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Sentencing structure</td>
<td>Indeterminate</td>
<td>Indeterminate</td>
<td>Guidelines</td>
</tr>
<tr>
<td>II. Inmate population (1989)</td>
<td>5,112</td>
<td>4,712</td>
<td>6,928</td>
</tr>
<tr>
<td>III. Annual admissions (1989)</td>
<td>3,052</td>
<td>14,567</td>
<td>4,155</td>
</tr>
<tr>
<td>A. New court commitments</td>
<td>2,514</td>
<td>10,732</td>
<td>3,543</td>
</tr>
<tr>
<td>B. Parole violators</td>
<td>501</td>
<td>3,693</td>
<td>401</td>
</tr>
<tr>
<td>C. Returned escapees</td>
<td>34</td>
<td>102</td>
<td>199</td>
</tr>
<tr>
<td>D. Other</td>
<td>0</td>
<td>40</td>
<td>12</td>
</tr>
<tr>
<td>IV. Incarceration rate (1989)</td>
<td>473</td>
<td>226</td>
<td>144</td>
</tr>
<tr>
<td>V. Releases (1989)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2,826</td>
<td>10,936</td>
<td>3,043</td>
</tr>
<tr>
<td>Parole/conditional</td>
<td>1,472</td>
<td>9,802</td>
<td>966</td>
</tr>
<tr>
<td>Unconditional</td>
<td>1,293</td>
<td>841</td>
<td>1,907</td>
</tr>
<tr>
<td>Other</td>
<td>61</td>
<td>293</td>
<td>170</td>
</tr>
</tbody>
</table>

SOURCES: Nevada Department of Prisons, Illinois Department of Corrections, and Washington Department of Corrections

For each state, we then randomly drew 10 persons from each of the five categories, for a total sample of 154. We interviewed these persons in lengthy open interviews, covering their social histories, criminal activities in the period before the current arrest, and the full circumstances of their arrests. The information gathered from the interviews was verified and augmented by the arrest records along with police and probation office reports.

### HOW SERIOUS ARE THEIR CRIMES?

An essential part of the public conception of street crime is that growing numbers of persons are engaged in very serious crime. To evaluate the severity of the crimes committed by inmates in our samples, we used an objective measure of seriousness from the public's perspective based on data gathered in 1980 by the Center for Studies in Criminology and Criminal Law at the University of Pennsylvania. In the center's survey of crime seriousness, a national survey asked 52,000 Americans to assign a numerical score to a short description of 204 criminal acts, which reflected the respondents' perceptions of the crimes' seriousness. For example, two of the acts described were "A person, using force, steals property worth $10 from outside a building" and "A person, using force, robs a victim of $1,000. No physical harm occurs." The center reduced these raw scores into "ratio scores," which indicated the relative severity of each crime.

We observed that if the acts involved minor injury, the threat of injury, theft over $1,000, the use of a weapon, use of heroin, or the selling of marijuana, they received a score of more than 5 on the center's scale. We labeled
these "moderate" crimes. If they involved theft of over $10,000, serious injury, attempted murder, sales of heroin, or the smuggling of narcotics, they received a score of more than 10. We considered these "serious" crimes. If they involved rape, manslaughter, homicide, a child victim, or kidnapping, they received a score of more than 15. We labeled these "very serious" crimes. Crimes that lacked any of these characteristics received a score of less than 5. We called these "petty" crimes. Two such acts from the survey were: "A person breaks into a department store and steals merchandise worth $10" and "A person smokes marijuana."

We sorted the crimes of our sample into the categories "petty," "moderate," "serious," and "very serious" according to these characteristics. Figure 2-2 summarizes the results of this distribution. In this figure, we have adjusted our stratified samples so that they reflect the offense distribution for the nation as shown in Table 2-3.11

As Figure 2-2 reveals, most of the crimes for which persons are sent to prison (52.6 percent) fall into the petty category. This finding is wholly consistent with inmate classification studies that have repeatedly found that most prisoners are committed to prison for nonviolent property or drug crimes, with the result that the majority (50 to 70 percent) are classified as minimum-custody inmates.12

The distribution on crime seriousness was somewhat different in the three states, as shown in Figure 2-3. Washington, which has the lowest rate of incarceration of the three states, also had the lowest proportion of petty offenses and the highest proportion of serious crimes. This is to be expected, as Washington recently enacted sentencing guidelines that purposely restrict the use of prison for nonviolent and property crimes.13 Illinois, which has a medium rate, did not differ very much from the total sample. Nevada, which has the highest rate of the three states and the highest rate in the nation, predictably had the lowest proportion of serious and very serious crimes.

Our research indicates that 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. The following are narrative descriptions of three typical petty crimes from our sample.

George, a 17-year-old black youth, was arrested for possession of a stolen vehicle. He had been kicked out of school in the ninth grade. Then, he had worked at a couple of jobs—a small soul food restaurant and a small garage fixing cars. He had not been working for a while. He had been arrested a few times before, once for curfew, another for shoplifting. A couple of months before this arrest, he was arrested for "busting a car window." "A man tried to hit me with his car, and I swung at him and broke his window. I got three months' supervision." On the current arrest he was caught inside a car trying to steal the radio. "They said I busted the window, but it wasn't locked. He [the policeman] took the screwdriver I was using and put it in the lock and said I was stealing the car." He was sentenced to three years in prison.

FIGURE 2-2 Severity of Crimes Committed by Persons Admitted to Prison (National Estimate)

Jimmy, a 26-year-old black man, dropped out of high school in the tenth grade. He worked at several unskilled jobs as a teenager but started getting into trouble when he was 17. After several arrests, he was sent to prison for aggravated assault against a relative. He served three years and then another year and a half for violation of parole. He had been out for two months when he was arrested this time. He was living with his grandmother, "trying to stay out of trouble." He was not able to find a job and was living on general assistance. He was caught in an abandoned school where he and some other young men were looking for junk metal that they intended to sell for "some loose change." The school had been abandoned for six years, and local people had been stealing from it repeatedly. He received seven years for burglary.

Edmond was a 50-year-old white carpenter who worked in Florida in the winter and Seattle in the summer. He had been arrested once 22 years before for receiving stolen property. He was passing through Las Vegas on his way to Seattle and said he found a billfold with $100 on a bench where he was drinking and gambling. The owner, who suspected him of taking it, turned him in. He was charged with grand larceny and received three years.
was not mentioned in the survey, would be given approximately the same value today. However, most of our sample’s heroin or cocaine crimes involved only very small amounts of the drugs, and the persons, if they were dealers, were small fry, as the following cases indicate.

Luis, a 29-year-old Puerto Rican raised in Chicago, had never been arrested before. He had been a member of Latin gangs but in recent years had less and less contact with them. He used cocaine occasionally and hung around with a lot of guys who dealt cocaine. He was riding with a friend on a motorcycle, and the police pulled them over because they were not wearing helmets. The police found a packet of cocaine on his friend and several on the ground around them. He and his friend were charged with possession of cocaine. Luis was sentenced to three years.

Felix had been in trouble on the West Side of Chicago since he was 10 years old. He had dropped out of school in the eighth grade and was arrested several times before he was 18. He had served three prison terms since then. At 26, he was living at home with his mother, “taking little side jobs,” and hustling a little. He said he wanted “an average job and to go home after it and enjoy life.” On the present arrest, he was riding with his girlfriend, and the police stopped them. The police said they had a report that a man and a woman were selling drugs out of a car in that neighborhood. They found one bag of cocaine (0.5 grams) on his girlfriend’s side of the car and arrested him. He was sentenced to two years.

Robberies were considered at least moderate crimes because the public, officials, and criminologists invariably view robbery as a serious crime and a violent crime (government agencies that compile statistics on crimes always place robbery in their “violent” category). In actuality, however, many robberies differ from the public’s perception of them. The following accounts, for example, do not seem to fit the image, and many citizens, perhaps a majority, would not consider them serious or violent crimes.

Darryl was a 21-year-old black man raised on the South Side of Chicago in housing projects. He had dropped out of school in the tenth grade and had been working on and off at minimum-wage jobs. He had been arrested three times for minor crimes (battery, disorderly conduct, and marijuana) and had no convictions. In this case, he had gone to a neighborhood drug dealer to borrow some money on his girlfriend’s watch because his “brother was coming to town and I wanted to have some money to do things with him.” The dealer offered him a $60 but only gave him $20, telling him that he would give him $40 later. Darryl did not see the dealer for two weeks, and when he finally encountered him and asked him for the money, the dealer said he did not have any and offered Darryl drugs. When he was showing him the drugs, Darryl saw the watch and grabbed for it. They fought and the drug dealer was “whipping” him. Darryl’s brother jumped in and helped him. Then the dealer gave Darryl the watch. Three days later, the police came to his apartment
and arrested him for robbery and assault. He was bailed out and later went to a jury trial. The jury found him not guilty on aggravated assault and was hung on the robbery. However, Darryl had run from the court while they were deliberating. He later turned himself in, bail was set at $150,000, and the public defender talked him into pleading guilty to robbery. He was sentenced to prison for three years.

Richard graduated from high school in Seattle and went into the armed services. After being discharged, he went to cosmetology school and worked for 13 years as a cosmetologist. Three years ago he began learning a new trade and worked part time in a print shop. He had started using marijuana and heroin in high school. When he was working as a cosmetologist, he and his wife “got into coke, heavy.” He had several arrests for driving while under the influence and one for child molesting. “That was a mistake. I was drunk and high and I just got carried away with this young girl.” After this last arrest, he and his wife decided to change their lives and quit all drugs. “I became responsible and became manager of Super Cuts. But after a while, I got bored and started hanging around with my old friends. They were freebasing and pretty soon I was back into drugs heavy. I left my wife and moved in with a friend. I couldn’t believe that I had let my life get so fucked up again, so I went into a drug program, but I didn’t get along with the director. After three weeks I tried coke again. And I was right back into the same lifestyle. I needed money, so I decided to rob some stores. I robbed the same store three times, a convenience store like 7-Eleven. I got about $50 each time. I tucked a BB gun in my belt and went in, showed the clerk the gun in my belt, and asked for the money. In court the clerk said I was polite.”

He was sentenced to five years.

There were many serious and some very serious crimes in our samples. Two were very serious armed robberies (they involved larger amounts of money and persons were threatened during the robberies). There were seven first-degree homicides (2 percent of our adjusted samples), and three were gang-related. The following is one:

Parnell, a 20-year-old member of the Disciples, had dropped out of school and hung around with his neighborhood branch of the gang since he was 15. He had never held a job and was arrested fourteen or fifteen times for activities related to “gang banging,” mostly possession of weapons. He was arrested once for robbery when he was 17. “The guy I was walking with had a strong-armed some guy. But I wasn’t into robbing, just gang banging.” The night of the murder, he and some of his gang were at a skating rink, which was the location of many altercations between rival gangs. His group saw a guy from another gang who they thought had robbed one of their buddies. They chased him, and one of them beat him with a baseball bat. He died a week later. Parnell was the only one convicted because “I was the only one a witness identified.” He received twenty-five years.

Two of the homicides occurred during drug robberies. This is one of them:

Anthony, a 24-year-old black man, was sent to prison when he was 17 for aggravated battery. “Some guy broke out the windows of a neighbor of mine. I went to court, and after the court a fight broke out and they arrested all of us.” After serving eighteen months, he completed two years in community college and had been working for five years as a roofer.

He says he was living a clean life in the suburbs of Chicago—working, playing basketball, and taking care of his common-law wife and her son. “They said I went to this house, kicked in the door and demanded drugs and money, and then shot the man. The woman in the house identified me. The police had received an anonymous phone call and they arrested me. They said I searched the house, but they didn’t find any fingerprints. The description she gave the police didn’t fit me.”

In two of the homicide cases, persons were convicted of killing their girlfriends. In one, a 33-year-old Cuban man who had never been in trouble before and who had worked steadily was convicted of killing his girlfriend:

It was an accident. I was fighting with my girlfriend. She bothered me a lot. I had a son with her, and she was wanting me to leave my wife. We had been drinking and we got into a fight. I hit her with my fist and killed her.

Most of the serious crimes (53 percent) were sex crimes. These ranged from child molesting to rape, and most were acts committed against family members or close associates. These are serious crimes, but it should be noted again that most of them depart from the popular images of crime and criminals in which a menacing stranger is the perpetrator. The other serious crimes were robberies (17 percent), attempted murders (8 percent), manslaughters (12 percent), and drug charges (10 percent). Several of the robberies and drug crimes do approach the popular image: that is, they involved larger amounts of money, threats or injuries to victims, or larger amounts of cocaine or heroin.

**PATTERNS OF CRIME**

As we suggested earlier, the public and many officials believe that most street criminals are “career criminals” or “high-rate offenders” who, if free, will commit many felonies. Some public officials and criminologists have recommended that these high-rate offenders be “incapacitated” through long prison terms.

Today, the concept of the career is entrenched in criminal justice—a dramatic rethinking of policy and practice. Now research is examining ways to identify those offenders more accurately, moving toward the recommendation of one recent study that concluded that public safety would clearly benefit from incarcerating a larger proportion of high-risk probationers and prisoners, and for longer periods of time. Though no specific program to do this has been introduced in the United States, legislators, judges, and prosecutors have
passed laws to extend sentences, have recommended longer sentences, or have granted longer sentences because they hold this belief in the prevalence of high-rate offenders. The habitual offender and three strikes laws are examples of this. \(19\) (See Chapter 9 for an assessment of these laws and their impact on crime and incarceration rates.)

To test the validity of the “career criminal” viewpoint, we focused on patterns of offending among our surveyed convicts. We discovered five distinct patterns—“into crime,” “crime episode,” “one-shot crime,” “being around crime,” and “dereliction”—that are defined and summarized here. Figure 2-4 indicates the proportion of our sample that corresponds to each crime pattern.

### Into Crime

Persons into crime (43 percent) call themselves thieves, “hustlers,” “dope fiends,” or “gang bangers,” which they understand as identities within particular criminal systems. They also follow the patterns of crime consistent with these identities and criminal systems—that is, they attempt to steal large amounts of money through burglaries and robberies; they “hustle” on the streets, making money any way they can; they maintain drug habits by selling drugs and stealing; or they hang out with their fellow “homeboys,” wear their gang’s colors, steal, and fight with other gangs. Parnell, described earlier, was a gang banger into crime. Bertram, a thief, and Donald, a dope fiend, were into crime:

Bertram says he “started a life of crime” when he was in high school. When he was 17, every weekday he and his older friends walked from their neighborhood on the South Side of Chicago to Hyde Park, a middle-class racially mixed neighborhood, and burglarized some houses. They took TVs, jewelry, and any other thing they could sell. “It was like a job.” They were caught in one house and arrested. Bertram was sentenced to three years in prison. When he got out of prison, his brother and sisters were living alone, and his younger brother was selling cocaine. Bertram stopped him, but he had to supply them with money. So he started burglarizing houses and trucks on the West Side at night. Then he and his “rappies” pulled sixteen armed robberies of gas stations and convenience stores. In one week, he says, they made $7,000 apiece. After the last robbery, they were pulled over by the police, who found guns in their car. He received a ten-year sentence.

Donald started using heroin and cocaine when he was 19. He was convicted of burglary when he was 25 and served six months in the county jail. He was convicted of possession of drugs when he was 29 and received a year in the state prison. As soon as he got out, he was arrested again for burglary and served four years. He says he did not want to go back to drugs, but he met a friend right after getting out and got high with him. He was quickly addicted and stealing again. He says he was pulling one or two burglaries a day. He could not sell drugs because the police knew him too well. In his last arrest, he was caught trying to pry open a door of a construction business and was convicted of two attempted burglaries. At 33, he says he wants to stop using drugs, but he does not know how. He says he is getting tired.

Since they were committing crime regularly, it is accurate to view the 43 percent of our sample who were into crime as high-rate offenders. Of these high-rate offenders, more than half (57 percent) had served a prior prison sentence, and 32 percent a juvenile sentence. However, most of the active offenders (59 percent) were convicted of petty crimes. 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.

### Crime Episode

These inmates (19 percent) had engaged in a crime episode or spree. Many had committed crimes in some earlier period; some had even been into crime. Unlike the into-crime group, these offenders had less severe histories of prior incarcerations, either as adults (33 percent had a prior prison term) or as juveniles (26 percent had a prior record). But for an extended period, perhaps after a jail or prison sentence, they had lived a relatively conventional life.

Joe joined a Latin gang when he was 13. By his 18th year he had been arrested three times in activities with his “homeboys” (the Latin Kings). For the last, a residential burglary, he served a county jail sentence and was placed on probation for two years. After that, he pulled back from gang banging but was still hanging around with some of his old friends. "We hung around the corner drinking, but we didn’t think of ourselves
as a gang. We thought of ourselves as an organization. We tried to protect all the old people, to stop the blacks from robbing them." He was working steadily at the Golden Grain packing house making $7 an hour. "I was going to work there the rest of my life." He had a car and a girlfriend, and they were buying furniture—a bedroom set. The crime he was convicted of occurred early on a Sunday morning. He had been partying at a house with his friend—"smoking, drinking, and snorting." Someone borrowed his car and did not bring it back to the house. He was angry about this. A friend gave him a ride home, and on the way, he said, "Someone said, 'Let's go rob someone.' I guess I said, 'Let's go. I'll do it. I don't remember much about it. A white guy was stabbed in the stomach and neck. For all I know, the other guy in the car did it. It was stupid. I blacked out from the time I got home until the police came." He received six years for attempted murder.

Richard was one of the few black students in his high school in Montana and the star football player. He was also selling drugs. "I scored five touchdowns on Friday and was busted on Monday. I was hanging around white kids trying to prove myself. They wouldn't let me play football after that." His father put him out of the house, so he left for Oklahoma with some friends. He returned to Montana but could not find a job. He began hanging around some of the black guys who were "going to discos and being cool." He was arrested for a house burglary and received two years' probation. He went to California with a friend who was in the air force. He joined the army, got married, and had two kids. He had broken up with his wife by the time he was discharged from the army. He stayed in Fort Lewis, Washington, and worked part time in construction, living across the street from a corner where drugs were being sold. "One night I walked over there, and a guy asked me if I wanted to make some money. So I started selling drugs. I sold to the police. They wanted me to set up my supplier, so I went back to the corner, but the word had got out, so the other dealers told me to get out of town." He went back to California and went back to his wife. They both used cocaine heavily. He turned himself into a drug program, but she continued to use cocaine. He went back to the house and found her in bed with another man. He kicked the man out and took his son. He was charged with kidnapping his child and served two years in a California prison. He was transferred to Washington upon release and charged with unlawful delivery of drugs for the earlier arrest. He received fifteen months.

Being Around Crime

About one-fifth (18 percent) of our sample were "corner boys," men who were raised and lived in lower-class neighborhoods in which street crime is a prominent feature. Many in these neighborhoods, particularly young males, regularly commit crimes. Most other young males avoid regular participation in crime but accept it as a normal feature of life around them. Many of the males, particularly younger ones, though they avoid regular involvement in crime and do not think of themselves as criminals, are at risk of being arrested because they are on the streets for many hours and police regularly patrol these neighborhoods looking for street criminals. When confronted by police, these corner boys also frequently exhibit macho behavior that provokes hostile reactions from the police. Finally, corner boys are often present at crimes being committed by friends or relatives, and, under special circumstances—such as when they are in the company of more criminally oriented acquaintances, saving face in front of peers, intoxicated, or trying to take advantage of an opportunity for a financial gain—they are drawn into the commission of a crime.

Once arrested, their corner boy or lower-class identity makes it very likely that police, district attorneys, and judges will treat these young men as if they were more criminally involved than they actually were. Sixty-eight percent of our corner boys were convicted of petty crimes. Only a small minority had adult prior terms (8 percent) and/or juvenile terms (15 percent). The cases of Darryl and Robert described in the section on crime seriousness are examples of this pattern. The following are two more:

Maurice is an 18-year-old black youth raised on the South Side of Chicago. He was in the Disciples from ages 12 to 16, but he dropped out. "My grandmother told me to get out of the gang. They hate it when you pull out, so they were right at my door waiting for me." He dropped out of high school in the tenth grade. He had gotten into a little trouble—some fights and the theft of a moped, for which he received two years' probation. "A guy let me ride it. I didn't know he had stole it." At the time of this arrest, he was staying off the streets. "I had a girlfriend with two kids. She lived with her father. I would go over to her house and stay all day. We'd sit around and watch TV, clean the house, help with the kids." On the day of this arrest, he was going to his grandmother's to get something and a policeman who worked in that area stopped him to question him. "There's a guy around there that looks like me. He would get into a few things. The police asked what was I doing over there. I wrestled with him and his gun fell out of his holster. I kicked it and ran. They got me later. They found out I didn't do nothing so they charged me with taking his gun." He received five years for disarming a police officer.

Edie is a 32-year-old black man who was raised in Little Rock, Arkansas. His mother supported the family of six kids. She worked as a cook in a motel, and they lived in a housing project. He quit school in the ninth grade and went to work as a busboy in the motel. He worked there for seven years, ending up as a cook. He got married in Little Rock to a woman with a daughter. They moved to Seattle, where he worked at several jobs, the last one as a supervisor of a janitorial crew in a federal building. Years before, the police had arrested him in an apartment he managed. The charge was dismissed. This was his only prior arrest. In Seattle he spent a lot of time playing basketball. He was on a team sponsored by the Mormons. He was the top player and scored 36 points in one game. He-
started hanging around one of the other players who was using a lot of cocaine. Eddie says he “sort of took this guy under his wing.” He started using cocaine with him. His wife objected to this, so Eddie stopped. He says he was trying to get his friend to stop also. One night he took his friend to his friend’s apartment to collect some money from his roommate. Eddie stayed in the car. The friend and the roommate got into a fight over the money, and the friend ended up stabbing the roommate. The roommate accused both of them of robbing him, and Eddie was arrested for robbery. He was released on his own recognizance, but after a week the supervisor said she did not want to supervise him. He was held in the county jail for five months, and finally he pleaded guilty. The public defender told him since he had admitted being there he would not be able to win a trial. “I decided I was going ahead and get it over with and get on with my life.” He received five years for robbery.

Dereliction

These men (6 percent) had completely lost the capacity to live in organized society. Some had teetered on the edge of physical survival. All had been incarcerated a lot in early life, and most used drugs and alcohol, usually from their early teens. Though they tried to avoid committing serious crimes (to avoid returning to prison), they occasionally robbed, burgled, or committed some other felony (for example, arson, assault, sexual deviations) and were arrested. Though their crimes were invariably very petty, their repulsive disruptability and former records resulted in imprisonment. This small group had the highest prior prison record (91 percent), with 71 percent incarcerated as juveniles. The following are two examples of their crimes and lifestyles:

Leonard is a 32-year-old black who grew up on the South Side of Chicago. His father died when he was small, and his mother raised seven children on welfare. He dropped out of school in the ninth grade and never had a steady job. He was a Disciple until his early 20s. He started to drink heavily when he was a teenager. He was first arrested when he was 15 and again when he was 17. Both times he was sent to youth institutions. He was arrested for robbery and auto theft as an adult and served two prison terms. He lived with his mother and says all he did was drink. Three years ago it was discovered that he had cirrhosis of the liver. Two years before this imprisonment, he and a friend robbed another black man on the street. This man lived in the neighborhood and knew them. His friend had a stick, and they were charged with robbery. Leonard received probation, but he quit reporting, and they arrested him and sentenced him to five years.

Charles and his three sisters were raised by his nurse mother on the South Side of Chicago. He “got to drinking and smoking reefer at about 10.” He was hanging around with the “bad kids” and not going to school. He started getting into trouble with the police, and then “they started harassing me.” He was in a small local gang, and they got into a lot of fights.

Later he joined the Gangster Disciples, a splinter group of the Disciples. He has never held a steady job. He was arrested when he was 16 for not going to school and was sent to a boys’ school. He ran away and was sent to another youth institution. When he was 17, he was arrested for robbery and was sent to Stateville (Illinois State Prison) for six months. When he was 22, he was convicted of another robbery and sent back to prison for five years. For the last five years, he has been a derelict. He stays high or drunk most of the time. “I been stealing petty things, anything you can take from a store. I quit robbery. Made a believer out of me. I been ‘carrying a stick’ [had no residence and slept anywhere he could].” Some days before this arrest, he went to the house of a girlfriend and a man came to the door. “I asked him for my girlfriend, and he said, ‘Fuck you, punk. I went to his car and hit it with a water-meter cover I picked up off the street. He came after me with a hatchet and hit me in the head. I went to the hospital, and when I got out, I went over and smashed his car. Then a week later, I started a fire in an old building next to his house. My old girlfriend told them who it was. I was drunk at the time.” He received four years for attempted arson.

One-Shot Crime

A significant number of our sample (14 percent) had never been involved in serious crime before the current arrest. Something about the crime—its seriousness or an associated mandatory sentence—resulted in their receiving a prison sentence. The following are two of these crimes.

Jose was born in Puerto Rico, and his father sent him to come to Massachusetts when Jose was 10. He quit high school when he was a junior. He joined the army when he was 20 “to get a GED” and was discharged three years later. He worked as a baker for the next ten years for Nabisco. He quit this job to help a friend run a grocery store. Then he worked for five years with Sanco, until the firm moved to Philadelphia in 1983, four years before. He had not found a steady job since. He had been married for twenty years and had four daughters. At 46 he had no steady job and was drinking a lot. He had a friend who dealt in cocaine. A narcotics undercover officer who had been trying to set up his friend repeatedly asked Jose to buy some cocaine for him. He finally did and was arrested. He was out on bail for two and a half years before sentencing, but the sentence was mandatory.

Donald was raised on a farm in Iowa. Two years after graduating from high school, he went into business for himself, leasing livestock. At 30, he changed businesses and had been selling mobile home running gear ever since. He was married for ten years but separated five years before. He had been arrested for failure to pay child support, but nothing else. He was drinking heavily in the last year of his marriage but had about quit drinking. All he was doing was “work[ing] my ass off in my business. I have been working seven days a week. Most of the time I am on the road with two
HABITUAL OFFENDERS

Many persons being sentenced to long prison terms depart from the public image of the vicious or serious criminal. This should be taken very seriously because their numbers are increasing. Though most offenders are sent to prison for less than serious felonies and for short sentences (for instance, twenty-four months), a growing number receive very long sentences, many life. This is mainly because virtually all states and the federal government have passed laws that mandate that certain offenders be sentenced to prison under “habitual offender,” “mandatory,” or “three strikes” sentence laws, which require inmates to spend a minimum of ten years or longer, or to be sentenced to life without the possibility of parole (that is, they must die in prison).

According to the Criminal Justice Institute, as of January 1998, there were 23,758 inmates serving “natural” life sentences, 72,352 serving life with the possibility of parole, and 177,197 serving sentences of twenty years or longer.\(^{17}\) In other words, nearly 275,000 of the 1.3 million state and federal prisoners in 1998 were serving extremely long sentences. An unknown but probably high percentage of these were serving time under these restrictive laws. One would expect that these laws are reserved for only the most vicious and dangerous offenders, but recent studies suggest otherwise.

The Correctional Association of New York Study

One study completed by the Correctional Association of New York reported on the types of inmates who were serving mandatory prison sentences for drug offenses, repeat felony convictions, and violent crimes.\(^{18}\) In the 1970s, the New York Legislature passed a number of laws that mandated a prison term for persons convicted of certain drug crimes, violent offenses (robbery, assault, murder, manslaughter, rape), or persons who had prior felony convictions. At the time of this study, nearly two-thirds of all prisoners were sentenced under one of these three laws (8 percent drug, 14.5 percent repeat felony, and 41.5 percent violent offender laws).

The research consisted of selecting a small (21) but representative sample of inmates who were sentenced via these mandatory sentencing laws and developing detailed case histories of the crimes they had committed and also of their life circumstances. In the report, the researchers concluded that many of these inmates, though “not Boy Scouts,” did not deserve the type of sentences they had received. What follows are two examples.

Bernice Lane—Mandatory Drug Sentence—15 Years to Life—Criminal Sale of Controlled Substance in the First Degree

In November 1977, Bernice Lane was found guilty after trial of criminal sale of a controlled substance in the first degree and conspiracy in the first degree. According to the district attorney’s office, Lane, a hotel manager who lived with her mother, had sold a total of 2.9 ounces of heroin to undercover officers in Manhattan in two separate transactions in 1976.

It was Lane’s first conviction but not her first arrest. In 1966, drug possession charges were filed against her but were later dropped when authorities arranged a guilty plea with her codefendant, a known drug dealer. Eight years later, conspiracy charges were filed but also dropped after authorities failed to produce an informant who, they said, could have linked Lane to a major drug ring.

The judge at Lane’s trial, former Supreme (now Appellate) Court Judge Ernst H. Rosenberger said that had the law not prevented him, he would have ordered a more lenient sentence than fifteen years to life, the minimum required in Lane’s case. “I do not feel that the acts of the defendant warrant a life imprisonment,” Rosenberger stated. Lane was also sentenced to zero to seven years for conspiracy; the sentences were to run concurrently.

Lane was 46 when she entered Bedford Hills Correctional Facility. She lived on the honor floor and took part in both the Long Termers and the Pre-Release committees. She helped design a Career Awareness Program to prepare inmates for work after release. One professional associated with the prison called Lane “a mature and capable woman who is held in high regard by both peers and staff.”

Almost four and a half years later, Judge Rosenberger ruled on a motion from Lane’s new attorney that Lane had been the victim of ineffective counsel. The judge vacated Lane’s conviction and dismissed the indictment.

Freed without supervision on February 12, 1982, Lane returned home to care for her aging mother. She soon found work as a rental assistant with a property management company in the South Bronx. There, according to one of her supervisors, she was granted two pay raises and given the responsibility of opening the office with her own set of keys.

“She gave more time than necessary,” said Dialis Romero, manager of Two Trees Management Inc. Another supervisor said that Lane showed “concern and compassion” in her work.
Lane also did volunteer work. According to Rosemary O'Regan, executive director of Tender Loving Crafts, a business that sells inmate crafts, Lane worked "tirelessly and enthusiastically" in her spare time for the nonprofit company. Lane also sat on the board of directors of the nursing home where she helped serve lunch every day. "[Lane] is loved and adored here," reported Doris Terry, founder of the center. "She is an asset to the community."

But on April 12, 1983, the Appellate Division unanimously reversed Rosenberger's decision. The court ruled that Lane had not been denied effective assistance of counsel, reinstated the original conviction, and ordered her to return to prison.

Supporters were stunned. "She lived at home with her mother, she had a good job, and she was a taxpayer," stated Doris Terry. "She was rehabilitated. Isn't that what the criminal justice system is all about?" On November 14, 1983, after all appeals failed, Lane traveled to Bedford Hills unescorted and turned herself in.

Today, Bernice Lane, 54, still takes part in the Long Termers Committee and the Career Awareness Program. She is also taking courses in data processing. Her prison counselor calls her "an excellent human being who ... just doesn't belong here."

Lane's mother now lives by herself. Friends say she is growing frail. She is visited once a week by a staff member from the center where Lane did volunteer work. Lane was denied clemency in 1984. She will be eligible for parole release when she is almost 65.

**Henry Barker—Mandatory Violent Felony Law—15 Years to Life—Felony Murder**

When two New York City Department of Corrections bounty hunters arrested Henry Barker in 1978, they believed they had captured a dangerous criminal. A convicted murderer, Barker had escaped to Miami, where he lived undetected for almost three years. By the time they returned to New York, the bounty hunters, Steven Levy and Marvin Badler, had become Barker's supporters. "Under unbelievable circumstances, Henry Barker has straightened himself out, rehabilitated himself, and has become a benefit to society," Badler told the *New York Times.*

Raised in the Bay Ridge section of Brooklyn, Barker graduated from Fort Hamilton High School and found a job as a runner on Wall Street. He drifted into handyman work, and in 1974, he ended up painting tenements for a landlord, Samuel Richards. Richards later laid Barker off and, Barker claimed, withheld $200 owed him in back wages.

Barker made plans to retrieve the money by theft. He stood watch on the street while, inside Richards's apartment building, a friend attempted to steal the 76-year-old man's wallet. Richards was fatally stabbed in a scuffle. Barker tried to save him, placing a pillow under his head, putting an ice pack on his chest, and calling an ambulance. Cooperating with police, Barker was arrested a few days later and was subsequently indicted on charges of intentional murder and felony murder. Barker had only one previous conviction: carrying a concealed weapon (a knife), for which he had served three months' probation.

Barker claimed that the violence was never intended and that he did not know about his friend's knife. The presentence report stated that Barker was a "sincere, somewhat misguided youth who did not impress this writer as a dangerous individual." Nevertheless, his court-appointed lawyer persuaded Barker to plead guilty to felony murder and accept the mandatory minimum sentence of fifteen years to life—a better fate, the lawyer argued, than going to trial and facing a possible maximum of twenty-five years to life. Two months after being sentenced, Barker fled Riker's Island.

In Miami, he built a life for himself, often working three jobs at once. Using the name Tommy Prendergast, he won the affection of merchants, neighbors, and employers—many of whom called him "Our Tommy" in letters now in Barker's file. "In a very short time, we and most other[s] were treating him as if he was our son," reported one woman for whom Barker had worked. A man for whom Barker had provided housing and found a job wrote, "There should be a world full of human beings like him." At the time of this capture, he was working full time as a motel maintenance man and supporting his female companion and her three teenage daughters.

Employed as a hospital dietitian at Green Haven Correctional Facility, Barker, now 35, is performing work that supervisors say is "over and above" the basic requirements. In August 1984 he graduated with a degree in psychology from Marist College with a B-plus average. Seven officers from the honor block at Great Meadow Correctional Facility, his first assignment, wrote letters of support for his unsuccessful commutation application. One called him a "respectable guy, a sincere person who cares about the people around him."

The judge in Barker's case, Leonard Scholnick, has written, "After careful consideration, it is my opinion that neither he [Barker] nor society would benefit from any further incarceration." Under mandatory sentencing statutes, however, Barker must serve the full fifteen-year minimum before being considered for parole.

**Evaluation of Florida's Habitual Sentencing Law**

A second and more recent study was conducted by James Austin to evaluate the effects of Florida's habitual sentencing laws. In Florida, two situations may trigger the court's decision to apply the habitual offender statute. The most common occurs for offenders who have two or more prior felony convictions. However, another provision, called the violent habitual statute, permits an offender who has a prior felony conviction for a violent offense to be "habitualized." Habituals will serve approximately ten years before they will be released with no parole supervision.
The decision to apply the statute rests with the state attorney. As it turns out, only about one-fifth of all cases that meet the criteria for habitualization actually have the statute applied. The study found that this high degree of discretion results in significant racial bias in the application of the law. An analysis comparing the attributes of offenders who were habitualized versus those who were not found that black inmates were nearly twice as likely to receive a habitual sentence even when controlling for the offender’s offense and prior criminal record.

A sample of 90 male and female inmates sentenced under the habitual offender sentencing laws in September and November 1992 was drawn at random at four prison facilities, and the inmates were interviewed. They are characterized in the following manner:

- They tend to be not married (74 percent), with at least one child (69 percent), employed full time (54 percent) or part time (13 percent) but in a low-paying occupation.
- A significant number (43 percent) have not completed their high school diploma, with very few advancing to college (8 percent).
- A small but sizeable number reported having histories of sexual abuse as a child or as an adult (27 percent) and/or histories of mental illness (16 percent).
- The vast majority were convicted of either a property crime (44 percent) or a drug crime (24 percent).
- Within the drug category, virtually all of the crimes were related to crack cocaine.
- Nearly two-thirds were using drugs at the time the crime was committed (64 percent).
- In one-fifth of the crimes (usually drug crimes), there were no victims. The majority of the crimes where a victim was identified were inflicted on strangers, businesses, or law enforcement personnel (resisting arrest, assault, and so forth).
- In 87 percent of the crimes, there was no injury to the victim.
- In those instances where a property loss was suffered by the victim, the median loss was $300.

Using these data, each inmate was classified according to a criminal career typology reflecting their criminal lifestyle, including both the official data contained in the inmate's file and data from our interviews. The basic categories that were developed are discussed later, as is the proportion of cases that fell into these categories (Figure 2-5):

1. **Crack-heads (36 percent).** These offenders were characterized by their severe addiction to crack cocaine. Daily use of crack was part of their lifestyle. They would do virtually anything to maintain their drug habits. Typically they were not employed, hung around other crack-heads, and engaged in a wide variety of petty property crimes or petty drug trafficking to support their drug habits. They probably represent the most difficult drug cases to treat.

2. **Weekend crack bingers (10 percent).** Unlike the crack-heads, these individuals used crack cocaine for recreational purposes—typically in the context of a weekend binge. They frequently were fully employed in blue-collar jobs and maintained relatively stable and normal outside interests. Because of their employability, they were frequently arrested through sting operations.

3. **Regular thieves (18 percent).** There were two types of thieves. The first were alcoholics who, when under the influence of the drug, attempted inept property crimes. They were incapable of holding a regular job or sustaining a marriage. The other type reflected skillful thieves who typified the predatory offender. These offenders were rarely involved in other forms of illicit drug use.

4. **Violent thugs (16 percent).** This group reflected the most dangerous group of offenders to public safety. They frequently were involved in violent activities as part of their criminal lifestyles and relied on violence and the use of weapons to commit their crimes.

5. **Drug dealers (7 percent).** This group consisted of inmates who did not abuse drugs but made a living selling drugs for profit. In almost all of our cases, these inmates would have to be considered small-time dealers who would make marginal profits by selling $244 rocks of cocaine to crack-heads or recreational drug users.

6. **Miscellaneous offenders (14 percent).** The last group was more difficult to classify, as they fit no particular pattern. Often these individuals had
associations with lower-class petty criminals, which allowed them to periodically become involved in situations that led to criminal activities and detection by law enforcement.

All these offenders had rather lengthy criminal records. Most had been arrested at least ten times and frequently sentenced to jail, probation, or prison. In this respect, they accurately represented the habitual offender label. On the other hand, with the noted exception of the violent thugs category, their crimes were petty and pathetic. These are drunken car thieves falling asleep in their victim's car, shoplifters being caught in a clumsy attempt to brazenly walk out of a store with a shopping cart filled with stolen goods, and crack-heads selling $2 rocks to undercover agents. They are, in many respects, aging offenders who know no other way to live.

The following five case studies represent a sampling of these offenders. For each, the inmate's offense and sentence are presented, along with an estimate of how much money Florida will spend on each individual at today's cost of incarceration ($15,700 per year).

**Alcoholic—Alex B.**—Fraud, Grand Theft, and Burglary—5.5-Year Sentence—Incarceration Costs of $64,763

Alex is a 46-year-old white male who is spending his first term in prison, although he has seven prior arrests and one prior jail term. One of his prior arrests and convictions was for assault; the other crimes were nonviolent. He has no prior juvenile crime record. He is currently serving three concurrent sentences for fraud (attempting to pass a bad check worth $20) and entering a person's home wearing a mask and stealing a microwave oven and a TV. He later turned himself in to the police. There was no loss to the victim, as both items were returned. The victim testified in court that, before the offense, Alex had been helping out with various errands and moving furniture. For this crime, he received a five-year, six-month sentence for grand theft and burglary. The worthless check crime resulted in a one-year probation term running concurrently with the burglary and robbery charges. He is also required to pay $200 in restitution to the victim when he is released from prison.

**Drug Dealer—Toni G.**—Trafficking Cocaine—Life Sentence—Incarceration Costs of $565,200

Toni is a 35-year-old African American serving her third and last time in prison. Under her sentence, she must die behind bars. She was caught selling rock cocaine to an undercover police officer in Broward County. There was no violence or injury associated with the crime. Toni has been arrested ten times as an adult, with seven prior jail sentences. She also has a prior commitment to the juvenile system for being truant. She has no violence in her record. She has four children (ages 16, 13, 12, and 2) who now live with her mother. While on the streets, she was unemployed and made her money running drugs. She completed the tenth grade and has some training as a beautician. Although she has tried marijuana, she denied ever using hard drugs. Because of her sentence, she is classified as close custody but has not received any disciplinary reports since being imprisoned in April 1991.

**Violent Thug—Cornelius A.**—Arson—12-Year Sentence—Incarceration Costs of $141,300

Cornelius is a white 37-year-old male now serving his fourth prison term. Most of his prior arrests and convictions have been for assault. He has no prior juvenile record. The current offense involved an attempt to burn down his girlfriend's house as a result of a dispute. He had been drinking heavily at the time. Damage to the house was $1,000, and the only injury was to Cornelius, who burned his hand while starting the fire. He was not on probation or parole supervision at the time. Cornelius is not married but has four children (ages 3, 14, 16, and 17) who live with their natural mother (not his current girlfriend). He is functionally illiterate, having completed the fifth grade, and is just now learning to read. He was employed full time as a maintenance worker at his sister's truck rental business. Since being admitted to prison approximately one year ago, he has not been involved in any serious disciplinary incidents and has enrolled in a reading class. He is now classified as medium custody.

**Crack-Head—Elaine D.**—Burglary—15-Year Sentence—Incarceration Costs of $176,625

Elaine is a 32-year-old African American serving her second prison term. She has thirteen prior arrests for drug and property crimes and has been sentenced to jail six times in addition to her two prison terms. There has been no violence in her crimes. She was caught trying to break into an apartment but was apprehended by police after a neighbor called. No property loss or damage resulted. She was high on heroin at the time of the crime. Elaine has been using heroin for many years. She is married to a dope fiend. They have one child, an 8-year-old boy who lives with Toni's sister. At the time of her arrest, she was working full time as a nurse's assistant and X-ray technician. She has a simple work detail in the prison and has received two disciplinary reports for disobeying orders. She will be released from prison in the year 2003.

**Crack-Head—Peter A.**—Possession and Sale of Cocaine—10-Year Sentence—Incarceration Costs of $117,750

Peter is a 50-year-old white serving his fourth prison term. He has a very lengthy adult and juvenile arrest record, with three previous juvenile commitments and over fifty adult arrests. There are no violent crimes in his past. He is a drug addict who sells drugs and steals to support his drug habits. His current prison term resulted when police stopped him on the street and...
found a couple of $5 rocks of cocaine in his possession along with a pipe he
used to smoke the crack. He was high on crack at the time of the arrest.
He has been married for sixteen years and has three grown children (ages 18,
21, and 25). He is functionally illiterate, with a fifth-grade education. When
not in prison, he finds part-time work as a mason tender or shrimper. Since
being imprisoned in 1991, he has not received any disciplinary infractions
and has been attending AA and a drug treatment program.

CONCLUSIONS

Our research indicates that most people being sent to prison today are very dif-
ferent than the specter of Willie Horton that fuels the public’s fear of crime.
Most crimes are much pettier than the popular images promoted by those
who sensationalize the crime issue. More than half of the persons sent to prison
committed crimes that lacked any of the features the public believes compose
a serious crime.

Other recent research supports our findings. The original Rand Corporation studies on career criminals that greatly influenced the current
imprisonment binge actually found that the vast majority of newly admitted
inmates were low-rate offenders involved in petty crimes. When these same
researchers studied people they labeled as “high-rate” and “predatory” offenders,
their findings were similar to ours: that most in this group committed very
unskilled and unprofitable crimes. As Greenwood and Turner note, many
high-rate offenders “appeared to have taken foolish risks for very modest
potential gains.”

The studies presented here revealed that the popular conception of crim-
nal careers is also a distortion of reality. These data suggest that the majority
(57 percent) of the persons sent to prison were not following criminal careers.
Although 43 percent were into crime, most of these (60 percent) were sent to
prison for petty crimes, and their dedication to criminal behavior did not appear
to be as firm as the popular image suggests. In fact, the majority of them, as well as the majority of those following other patterns of crime (for
example, one-shot, crime episodes, being around crime, or dereliction), indi-
cated to us that they wanted to stop violating the law and were preparing
themselves in prison for conventional careers. As Greenwood and Turner
observe, “a much larger proportion of [career criminals] are not particularly
successful at crime, but they periodically return to it because they are not good
at anything else.”

Instead of a large, menacing horde of dangerous criminals, our inner cities
actually contain a growing number of young men, mostly nonwhite, who
become involved in unskilled, petty crime because of no avenues to a viable,
satisfying conventional life. The majority (65 percent) of our prison samples
had not finished high school, 64 percent had no job skills, over half had never
been employed steadily, and 56 percent were not working at the time of arrest.

The same is not true of a small percentage of our sample—those who appeared
to be committed to crime in spite of other options. In addition, a few were
guilty of very serious crimes. However, the general picture is one quite differ-
ent than the distorted images that have fueled our imprisonment binge.

In 1987, the Bureau of Justice Statistics reported on a national survey of
1,920 U.S. residents. Seventy-one percent had responded that a prison sen-
tence was the most suitable penalty for a group of twenty-four specific crime
scenarios, which included rape, robbery, assault, burglary, theft, property dam-
age, drunk driving, and drug offenses. The authors of the report suggest that
“the public wants long prison sentences for most crimes.” The scenarios, how-
ever, did not reflect the reality of street crime and imprisonment in America.
In the robbery scenario from the study, for example, $1,000 was taken, the
offender brandished a gun, and the victim was hospitalized. Our study discov-
ered that less than 5 percent of the people being sent to prison committed a
crime of this magnitude, which we would classify as very serious.

A number of other 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.
A national poll taken by the Wirthlin Group in 1991 found that four of five
Americans favored a nonprison sentence for offenders who are not dangerous.
A 1991 California poll found that three-fourths of Californians felt that the
state should find ways of punishing offenders that are less expensive than
prison. In Alabama and Delaware, a focus-group analysis conducted by the
Public Agenda Foundation found that when citizens were given detailed data
about the crimes committed and the relative costs of various sanctions avail-
able to the courts, the public strongly supported nonprison sentences for
inmates convicted of nonviolent crimes (who represent the vast majority of
prisoners). 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.

NOTES

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