**Criminal Justice Diagnostic Report**

Federal Costs

 In 2015, the cost of incarceration per inmate in the federal prisons was $31,977.65 per year. The cost of confinement in a Residential Re-entry Center was $26,082.90.[[1]](#footnote-1) It is much cheaper (18.5% cheaper) to confine inmates in Residential Re-entry Centers.

State Costs

In 2016, the 2,162,400 inmates incarcerated in the United States[[2]](#footnote-2), cost an average of $33,274 per inmate per year, creating a combined cost of over $42.8 BILLION per year[[3]](#footnote-3) (for 45 of the 50 states)! In Illinois alone, there are 47,622 inmates costing $33,507 per inmate per year. This costs the Illinois taxpayers a total of $1,595,647,075 per year! That’s $1.5 BILLION per year! There are only 5 states that pay more per year to incarcerate people. There are only 6 states that incarcerate more people.

 The average cost per citizen is $137 per year.[[4]](#footnote-4) That doesn’t sound like much until you calculate your household’s cost. If you have 4 people in your household, that’s an annual cost of $548 (137 \* 4) for the household. One would hope that all of that money would be producing some great results.

 “At least 95% of all state prisoners will be released from prison at some point”.[[5]](#footnote-5) Of those released back into our communities, 43.9% were arrested at least once during their first year after release, 83.4% (5 out of 6) of state prisoners released in 2005 were arrested again within 9 years of their release. [[6]](#footnote-6) That’s a pretty high failure rate. Would that be allowed to continue if this were any other business.

 Let’s replace Corrections System with Ford Motor Company and see what the result would be. If 95% of the Ford vehicles made were sold and of those sold, 44% had break failures within the first year, and 83% had break failures within 9 years, would it be acceptable to the public? Of course not! There would be Congressional hearings DAILY to fix this massive problem and there would be a race to protect the American public. For every former inmate who recidivates (commits another crime), there are innocent American citizens being victimized. Where is the outcry? Where is the outrage?

 It is time to admit that our “correctional” facilities are NOT correcting anything. If anything, our “correctional” facilities are designed to provide a collegiate-level education in mastering the art of criminality. For many criminals, going to prison is the equivalent of college, but for criminals. This is where they learn how to be better criminals, how to improve their chances of not getting caught the next time, how to leave less evidence the next time, etc.

 With the amount of convicts that WILL be released into our neighborhoods at some point, it is in SOCIETY’s best interest to make sure that those released are better people, not masters of crime. Wouldn’t it be great if they go into prison broken, but come out fixed? Shouldn’t that be the goal since the majority of them will be released anyway?

Classification

 We classify convicts based on the classification of the crime that they commit. Although that does make sense to some degree, it’s far too simplistic. We look at the convict’s past, such as how many previous arrests and/or convictions, (major vs. Minor) role in the crime, whether the victim contributed in the crime, remorse (which can be faked), addictions, difficult upbringing/family circumstances, whether the victim was a “vulnerable” victim (child, elderly, disabled), mental or physical illness, and more. All of this looks at the past. No one is thinking about the future. The questions that we, as a society, should ask are:

* Does this defendant (convict) need mental health treatment?
* Is this defendant (convict) capable of being rehabilitated?
* What factors in his or her past can be corrected through rehabilitation?
* How willing is the defendant to participate in rehabilitative programs?
* If the convict is capable of being rehabilitated, what does he or she need to become a productive member of society in the future?

By asking these questions, we look to the future, not just the past. We are recognizing that there is a very good chance that the convict will rejoin society, so we are formulating a plan to prepare that convict for successful reintegration into society.

This requires us to properly evaluate convicts to determine which convicts need mental health treatment, are capable of rehabilitation, and are not capable of being rehabilitated. Again, we must be mindful not to oversimplify this process by classifying based only on the type of crime (i.e., thieves can be rehabilitated, but rapists cannot). We MUST look at each individual convict to determine his or her rehabilitative ability.

Minor Crimes (Misdemeanors)

 When it comes to the minor crimes, restorative justice programs may be a better solution. What is Restorative Justice? In the traditional criminal justice setting, a crime happens, a suspect is arrested, and the victim may or may not testify at trial. The suspect is convicted and sent to prison as punishment, then later released from his or her “time out”, usually with a chip on his or her shoulder. In the meantime, the victim is left to heal him or herself.

 Restorative Justice allows the victim and the suspect to both engage in restoring the harm. The suspect (defendant, convict) accepts responsibility for his or her actions and works with the victim and the community to figure out how to heal the harm that was done. An example would be some youths who vandalize a construction site. Under the traditional criminal justice system, the youth would go to juvenile detention for a set time (without any accountability or rehabilitation, resulting in hostility towards the Construction Company and society) and the construction company would clean up the physical mess left by the youths.

 With Restorative Justice, the youths, the head of the construction company, the kids’ parents, counselors, and attorneys would get together to discuss the situation. The youths would have to admit and acknowledge what they did and why it was wrong. The parents would need to be supportive (not defend their “babies”). Everyone works together to figure out how the youths can fix the situation. This may include paying for the cleanup, spending time at the construction site physically cleaning up the mess they created, learning about the construction project (why it was being constructed, how it was meant to help the community, how the vandalism delayed the growth of the community, etc), and more. This is meant to teach the youths about the consequences of their actions, how their actions affect others, including themselves.

 Restorative Justice seeks to hold the offender accountable, while providing the victim with a voice to be an active participant. The victim and offender are not just passive objects in the process; they are active participants. Both the victim and offender are empowered to chart their own path back to restoration. Punishment tends to lead to more crime. A lack of punishment leads to more crime. Crime is very contagious. But, with Restorative Justice, we are stopping the cancer at the very beginning, preventing it from spreading and infecting others.

 The goals of Restorative Justice are:

* Invite full participation and consensus
* Heal what has been broken
* Seek full and direct accountability
* Reunite what has been divided
* Strengthen the community, to prevent further harm

Restorative Justice is not about avoiding responsibility. Responsibility is at the very core of Restorative Justice. It is about justice, responsibility, accountability, empowerment (especially of the victim), healing, stopping the spread of crime, and restoring communities.

Redefining Hate Crimes

 I have tried to think of a crime that was done out of love. If John kills Adam because Adam has hurt Sheila (whom John loves), then I can see that there is a love component, but John is killing Adam out of hate for Adam and love for Sheila. There always seems to be a degree of hate involved in most crimes.

 Murder of certain victims from certain protected groups can be labeled a “hate crime.” However, if the victim does not fit into one of those protected groups, it is not considered a hate crime. Try explaining to the mother, whose son was just gunned down, why her son’s murder is not considered a “hate crime”, worthy of a stricter sentence.

 An example would be two African-American mothers, each with a son who was gunned down. Mother A’s son was killed by another African American. Mother B’s son was killed by a Caucasian. The African American who killed mother A’s son gets 30 years in prison for murder. The Caucasian who killed Mother B’s son gets a natural life sentence because it was classified as a “hate crime”. Is that fair to the mothers? Both are mourning the losses of their sons. Both sons are still dead. Is the pain of one mother greater than another? Try explaining to Mother A how the person who killed her son will get out of prison in about 20 years (good behavior) because her son’s death wasn’t as bad as the death of Mother B’s son.

 Crime is crime. Hate is usually a factor in most crime. Even when greed is the motivating factor, the offender HATES that he or she doesn’t have more and is willing to take from others to soothe this hatred.

 The term “hate crime” is incredibly redundant. Do we really need to classify crime this way? It may be time to can a duck, a duck and a crime, a crime.

Death Penalty

 The Death Penalty should be reserved for only the most extreme cases. The Death Penalty is so extreme that there is absolutely no room for mistakes. Our criminal justice system is imperfect. Mistakes can, and do, happen. Innocent people have been convicted, even sent to death row. Modern science has shed a light on just how imperfect our system can be. The Death Penalty is a sentence that cannot be overturned or corrected once the sentence has been carried out. We can’t bring back the dead who were wrongfully convicted and executed. So, we need to make sure that anyone given this extreme sentence is truly, indisputably guilty. How can we know?

 When we are talking about a mass murderer, a serial killer, with overwhelming evidence, we can be more certain that the conviction(s) are correct. When someone has been convicted of killing multiple people, especially on multiple occasions, we can be certain that even if he was wrongfully convicted of one murder, it is highly unlikely that he was wrongfully convicted of each murder. These are the extreme cases, where guilt has been proven over and over, with overwhelming evidence. These would be the types of cases that would warrant the death sentence.

Drugs and Addiction

 Addiction has been treated as criminal behavior. In most circumstances, it is a disease. Addiction is very difficult to treat, but it is treatable. We, as a society, need to recognize that drug abuse is a disease that requires medical intervention and intensive, multi-faceted rehabilitative treatment. Many good, decent, productive members of our society have been destroyed by this disease. What starts out as an injury requiring pain management can quickly become an addiction.

 For decades, we have viewed addiction as a personal failure of those afflicted. We have denied treatment and incarcerated addicts. Yet, the problem persists. We cannot incarcerate our way out of this disease. We have spent more than four decades trying that and failing. We must treat our way out of this problem. Long-term rehabilitation is the common sense approach needed to heal those broken and shattered by drug abuse.

 But, treatment programs, especially long-term treatment programs cost a lot of money. Think about all the money we have invested in our failed War on Drugs. Imagine how many people we could have rehabilitated if that money would have been used on treatment and rehabilitation instead of arresting, prosecuting, and incarcerating people for drug offenses. We’ve spent decades throwing money down the drain. It’s time we repurpose that money for treatment and long-term rehabilitation programs, rather than continue to waste that money for another four decades.

Conclusions

 Although this Diagnostic Report is far from a complete list of the problems with our Criminal Justice system, it lays out some of the most serious problems. When we wonder why it costs so much or why our crime problems do not seem to be getting better, many of the issues stated in this report are the reasons. Under our current Criminal Justice system, crime doesn’t go away. It festers. It spreads. It is a societal behavioral disease. Without treatment, it will only grow. We can continue to beat it without mercy, or we can treat it and cure it, once and for all. It is up to us to change our perspective. Then, and only then, do we stand a chance at healing our broken society.

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2. U.S. Department of Justice, Office of Justice Programs, *Bureau of Justice Statistics*, Kaeble, Danielle and Cowhig, Mary, *BJS* Statisticians, Correctional Populations in the United States, 2016, April 2018, NCJ 251211, <https://www.bjs.gov/content/pub/pdf/cpus16.pdf>, accessed December 15, 2018. [↑](#footnote-ref-2)
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