

# **From Classrooms to Cell Blocks: A National Perspective**

by Tara-Jen Ambrosio and Vincent Schiraldi

"Wise public policy...will combine effective, cost-efficient reforms in criminal justice with investments in the state's future. Only if criminal justice expenditures are made efficiently, will resources be available for critical investments in prevention, intervention and education."

*The Florida Council of 100, Committee of the Justice System*

The Next Generation, 1994

"Today, more than ever before in the history of the United States, education is the fault line, the great Continental Divide between those who will prosper and those who will not in the new economy. If all Americans have access to education, it is no longer a fault line, it is a sturdy bridge that will lead us all together from the old economy to the new...Because of costs and other factors, not all Americans have access to higher education. Our goal must be nothing less than to make the 13th and 14th years of education as universal to all Americans as the first 12 are today.

*President Bill Clinton*

Princeton University Commencement Address, 1996

## **Introduction**

In his 1997 inaugural address, President Clinton described a "new America" where "education will be every citizen's most prized possession" and where "the doors to higher education will be open to all." Unfortunately, the *current* America is no where near this "new land". In fact, the final years of the 20th century are proving to be detrimental to the education of future generations. The "bridge to the 21st century" is no longer paved with education and prosperity; instead, it is paved with far-reaching criminal justice policies at the expense of under-educated citizens.

President Clinton has a plan, a Call to Action for American Education, "to ensure that all Americans have the best education in the world." However, any education plan, even one that provides \$51 billion, is destined to fail unless a crucial underlying issue is addressed: *state budgets are funding prisons at the expense of education.*

America is undergoing a national crisis. Current policies are already in place which force state legislatures to decrease higher education and other social service expenditures in order to fund costly and ineffective prison expansion. According to the Campaign for an Effective Crime Policy, every dollar in the \$30 billion Crime Bill will cost states \$3 to \$5 (\$90 to \$150 billion) in expenditures. If these criminal justice policies continue, many states will be forced to spend most of the newly proposed \$51 billion education fund on corrections rather than education. The latest proposed tax incentive for education, America's HOPE Scholarship, will be useless to taxpayers if current criminal justice policies persist. Americans will soon be forced to spend their tax-free education funds on an ineffective, costly criminal justice system.

Who would ever imagine that a baccalaureate degree is no longer one of the highest priorities of our elected officials? Who would ever imagine that America, the country of freedom and opportunity, would be trading classrooms for cell blocks? It seems like such a foreign concept to most Americans. Unfortunately, this *foreign* concept is becoming more and more domesticated in many states.

**The bridge to the 21st century is no longer paved with education and prosperity... it is paved with far-reaching criminal justice policies at the expense of under-educated citizens.**

## **The Prison Explosion: The Empty Payoff**

Over the past two decades, America has waged a war on drugs, increased police annual spending fivefold, and imprisoned more people per capita than any other industrialized nation in the world. It is not difficult to understand that the "tough on crime" policies of mandatory minimums, three-strikes laws, truth in sentencing initiatives, and parole abolition, have led to a dramatic increase in prison populations and in state corrections spending. Between 1980 and 1996, the prison population more than tripled from 500,000 to over 1.6 million. The number of people under some form of correctional supervision (in prison or jail, on probation or parole) surpassed 5 million at the end of 1994 (*2.7 percent of the adult population*).

Five states have a corrections budget of over one *billion* dollars.<sup>1</sup> California, which has the largest prison system of any state, spends \$3.6 billion per year on prison operations and another \$500 million per year on new prison construction.<sup>2</sup>

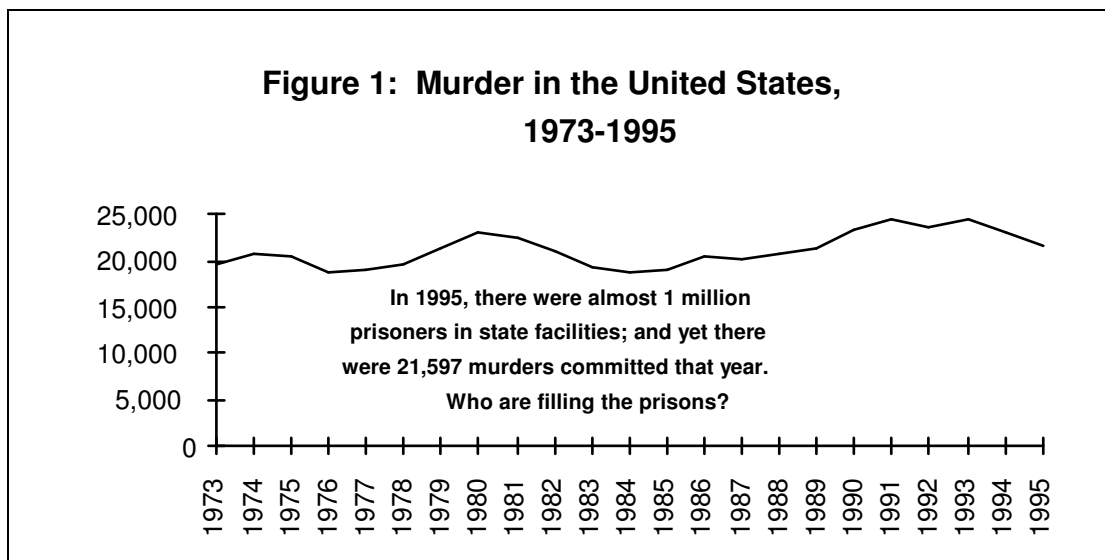
As we engage in the largest incarceration increase in American history, violent crime is undiminished. Our current criminal justice policies pretend to fight violence by locking up mostly *nonviolent* offenders.<sup>3</sup> Fully 84 percent of the increase in state and federal prison admissions since 1980 was accounted for by nonviolent offenders.<sup>4</sup>

The vast majority of crime in America is nonviolent. One in ten arrests in the United States is for a violent crime. Only 3 in 100 arrests in the United States are for a violent crime resulting in injury.<sup>5</sup> Under this bait-and-switch policy, people who commit lesser infractions bear the brunt of anti-crime fervor by getting sent to prison at much higher rates and serving much longer sentences.

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### **Crime is no longer driving the system**

America's fear of crime is driving our policies. This *fear* of victimization, however, is unsubstantiated by the statistics. Over the last two decades crime rates in most categories have remained relatively stable (even though they may go up or down from year to year). Rape, robbery and aggravated assault have all shown yearly fluctuations but the overall trend has been stable or slightly downward.<sup>6</sup> Murder, in particular, has remained remarkably stable since 1973, despite the enormous prison build-up. (Figure 1)



Source: U.S. Department of Justice. Federal Bureau of Investigation.

The statistics do not support the contention that the increasing crime rate is entirely responsible for the prison population increase. In fact, Allen Beck, a Justice Department statistician, noted that the recent percentage drop in crime is nowhere near the increase in prisoners.<sup>7</sup> Although crime continues to be a major problem in this country, crime is no longer driving the system. Unnecessary "get tough" crime policies are weighing heavily on overburdened state coffers.



## **Purpose of the Study**

The purpose of this study is to determine if current criminal justice expenditures are growing at the expense of the access to and quality of higher education. It is apparent that the current criminal justice policies are far reaching and expensive to implement. Most state budgets were stressed to the limit prior to the implementation of the latest crime policies. Now, state legislatures are forced to cut the budgets of other vital programs, such as higher education, in order to construct more prisons. The issues examined in this report include:

- **What impact are criminal justice policies having on higher education?**
- **What is the payoff of the current corrections policies?**
- **Is higher education suffering at the expense of criminal justice policies?**
- **What does the American public really want?**
- **The future of state policies: can states implement more effective, cost-beneficial criminal justice policies which will not take away from higher education budgets?**

For consistency purposes, cost data for public higher education and corrections (both the operating and the construction costs) were gathered from the Census Bureau, Government Division, unless otherwise noted.<sup>8</sup> The total cost data does not include intergovernmental expenditures. Although the state expenditures for higher education and corrections vary according to the source, all sources reviewed for this study report a substantial increase in corrections spending and a significant decrease in public higher education spending over the past decade. The data for crime statistics and correctional populations were gathered from the U.S. Department of Justice, Bureau of Justice Statistics and the Federal Bureau of Investigation.

## **The Prison Costs: How can states afford the incarceration policies?**

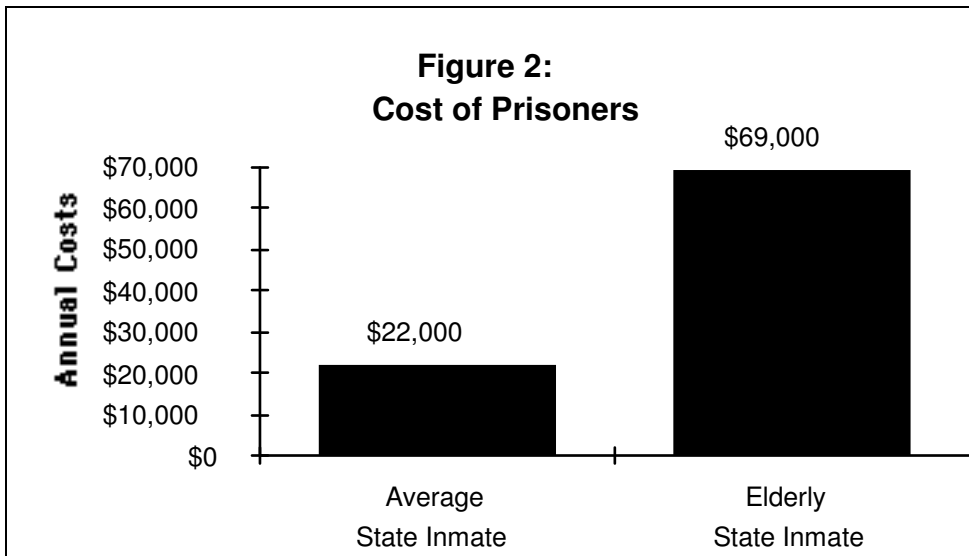
America has the highest incarceration rate in the Western world; yet we continue the biggest prison build-up in our history, while crime statistics remain stable. States simply cannot afford to implement these ineffective incarceration policies.

The average cost of building a new prison cell is \$54,000.<sup>9</sup> Because states usually pay for prison construction by borrowing money, debt service often doubles or even triples the original construction expenditures. With interest on the debt, the real cost of a new cell is usually well over \$100,000.<sup>10</sup> Construction fees can be even higher when there are overruns. In 1995, an estimated \$2 billion was spent on capital construction in corrections, most of it financed by bond proceeds.<sup>11</sup> With the high costs of simply building the prison, some states cannot afford the operation costs. In South Carolina, two prisons that cost \$80 million recently stood empty due to a shortage of money.<sup>12</sup>

The actual operating costs of prisons is an even heavier burden on state budgets than prison construction. According to the Justice Department, every \$100 million spent on new prison construction commits taxpayers to \$1.6 billion over the next three decades.<sup>13</sup> In Delaware, all of the annual taxes paid by *eighteen* average residents are needed to house one prisoner for a single year.<sup>14</sup> The cost of operating a state prison bed averages between \$22,000 and \$25,000 per prisoner per year, which often does not include food and medical services contracted out to private companies. These "off-budget" items can increase incarceration expenditures by about 25 percent or \$8 billion annually.<sup>15</sup>

<b>Table 1: PRISON COSTS</b>	
\$54,000	Average cost of building a new prison cell
\$100,000+	The real cost of building a new prison cell (with interest on the debt)
\$2,000,000,000	Estimated total spending on capital construction in corrections, 1995
<i>Every \$100 million spent on new prison construction commits taxpayers to \$1.6 billion over the next three decades.</i>	
\$22-25,000	Average cost of operating a state prison bed per year
\$69,000	Average cost of incarcerating an elderly (55+) state inmate
\$8,000,000,000	Estimated "off-budget" incarceration expenditures per year

Other hidden costs weighing on taxpayers include child support (foster care) for the children of the incarcerated adults; lost tax revenues of the imprisoned; and the public health costs of elderly and infectious inmates. New York recently committed \$250 million over four years to treat the growing population of AIDS-infected inmates.<sup>16</sup> The high cost of elderly prisoners is a growing burden. With the passage of the three-strikes law, the number of elderly prisoners will continue to rise. In 1994, there were 27,600 inmates over the age of 55 in state and federal prisons (up 44% since 1990).<sup>17</sup> California alone expects to imprison 126,400 inmates over the age of fifty by the year 2020.<sup>18</sup> Even though there is a greatly diminished likelihood that a typical elderly prisoner will commit a violent offense upon release, current criminal justice policies will keep more offenders imprisoned for longer periods of time; thereby tripling the annual costs of incarceration and diminishing public safety returns. (Figure 2)



Sources: Camp, Camille G., and Camp, George M. (1994). *The Corrections Yearbook-1994 Adult Corrections*: 48-9; Bureau of Justice Statistics. (August 1995). *Prisoners 1994*: 4, Table 3.

### The Battle for Funding: Prisons vs. Colleges

As America continues to incarcerate more people per capita than any other western nation, social service and human development needs are getting lost in the battle for funding. Throughout the 1980s, state spending for corrections *increased 95%*, while spending on higher education *decreased 6%*.<sup>19</sup> National statistics show this trend continuing into the 1990s. (Table 2) In many states, expenditures for higher education are at an all time low.

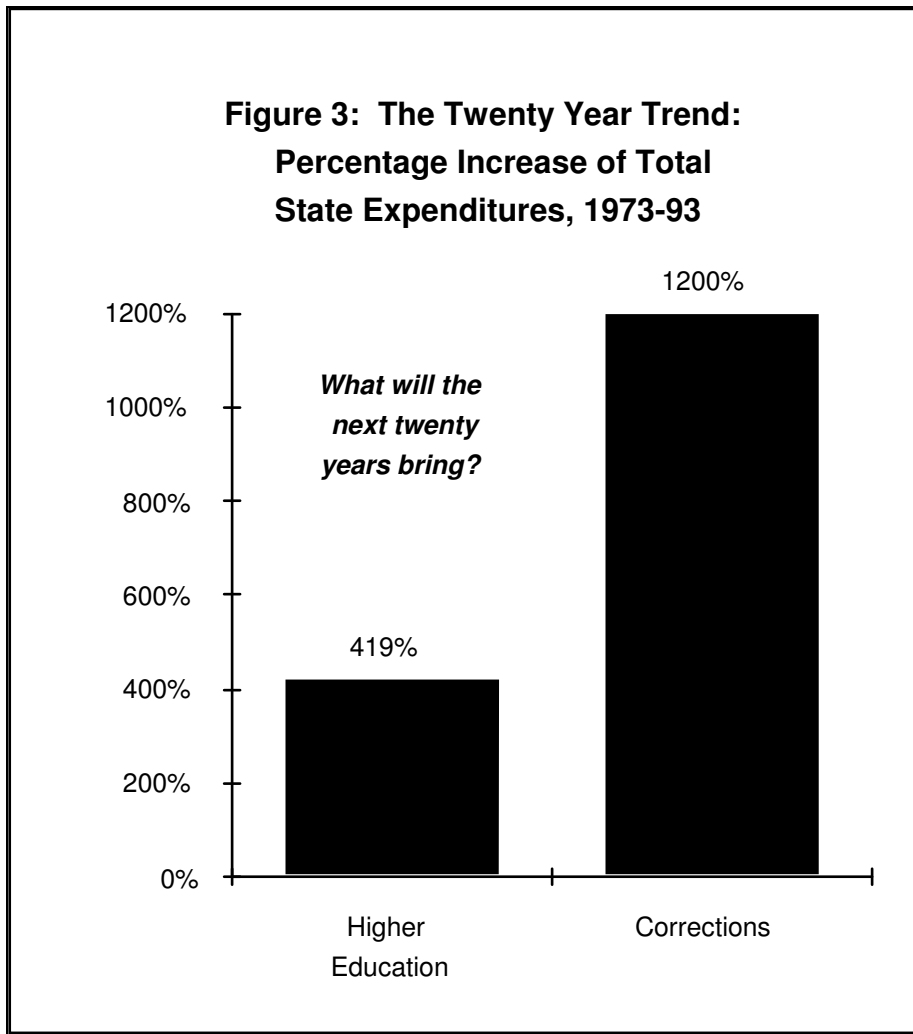
**Throughout the 1980s, state spending for corrections increased 95%, while spending on higher education decreased 6%.**

**Table 2:  
Trends in State Spending, 1987-1995<sup>20</sup>**

Spending Category	Percent Change
Medicaid	+76.5%
Corrections	+30%
Elementary-secondary education	-1.2%
All other <sup>21</sup>	-10.2%
Cash Assistance for public welfare	-13.2%
Higher Education <sup>22</sup>	-18.2%

Source: National Association of State Budget Officers (NASBO). (April 1996). *1995 State Expenditures Report*. Washington, D.C.: 16, Table 3.

The prison build-up is taking place at the expense of higher education. From 1973 to 1993, state corrections spending increased 1200%, while state expenditures for higher education increased only 419% (*a third of the corrections spending increase*). (Figure 3)



Source: U.S. Department of Commerce, Bureau of the Census. *State Government Finances: 1993 through State Government Finances 1973*. Washington, D.C.: U.S. Government Printing Office.

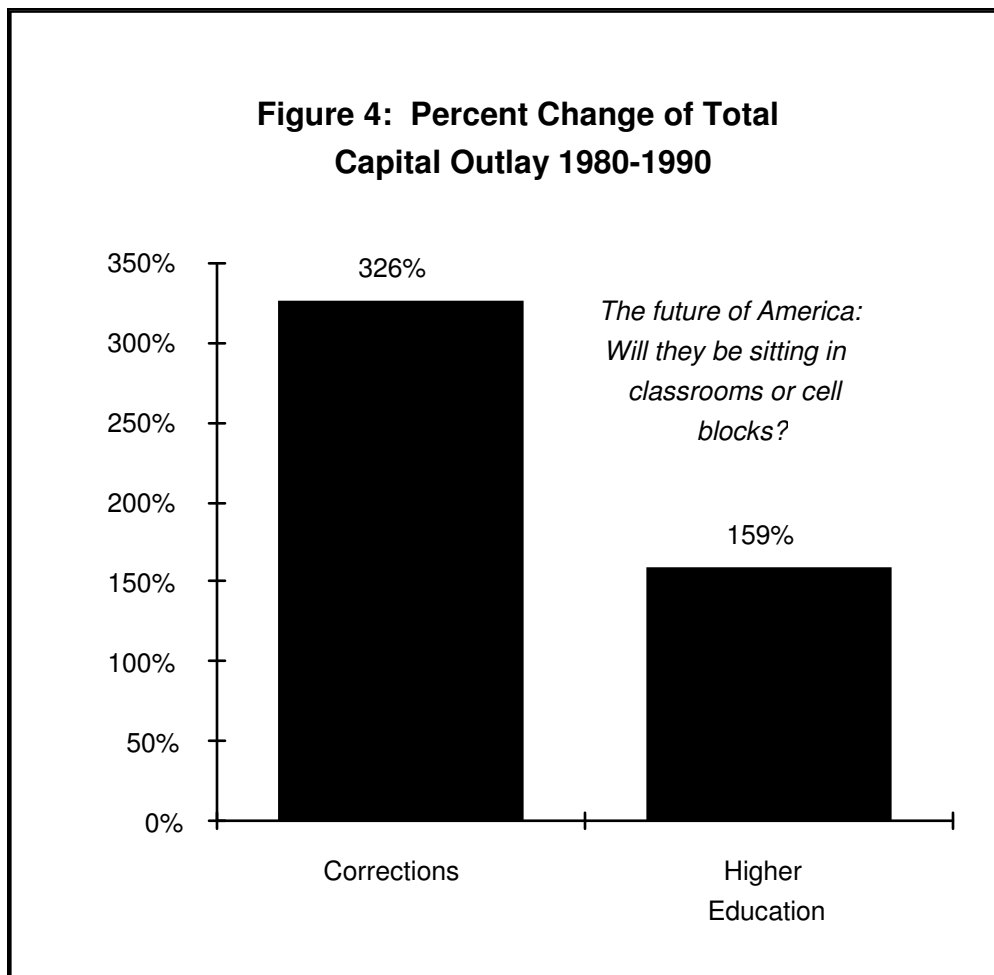
According to the Center for the Study of the States, "higher education is the biggest loser in the state budget battles of the early 1990s."<sup>23</sup> Between 1990 and 1994, only seven states increased higher education spending as a proportion of total state spending, but thirty-six states increased the share of spending devoted to corrections programs.<sup>24</sup>

Without significantly increasing higher education funding, it is virtually impossible for states to improve the availability and quality of university systems. Over the last decade, class availability has dropped so dramatically that in many state universities, it takes an average of 5-1/2 years to get a 4 year degree.

## Educating more Americans from prison cells than from classrooms

Prison construction is driving future state expenditures. Once a prison is built, the state will fill those cells with an increasing number of nonviolent offenders because there are simply not enough violent offenders to fill the cells. These "build-'em and fill-'em" policies are taking place at the expense of higher education. As more and more prison cells are built, fewer colleges are constructed.

In the 1980s, states increased spending on prison construction at over two times the rate of the spending for college construction. (Figure 4)

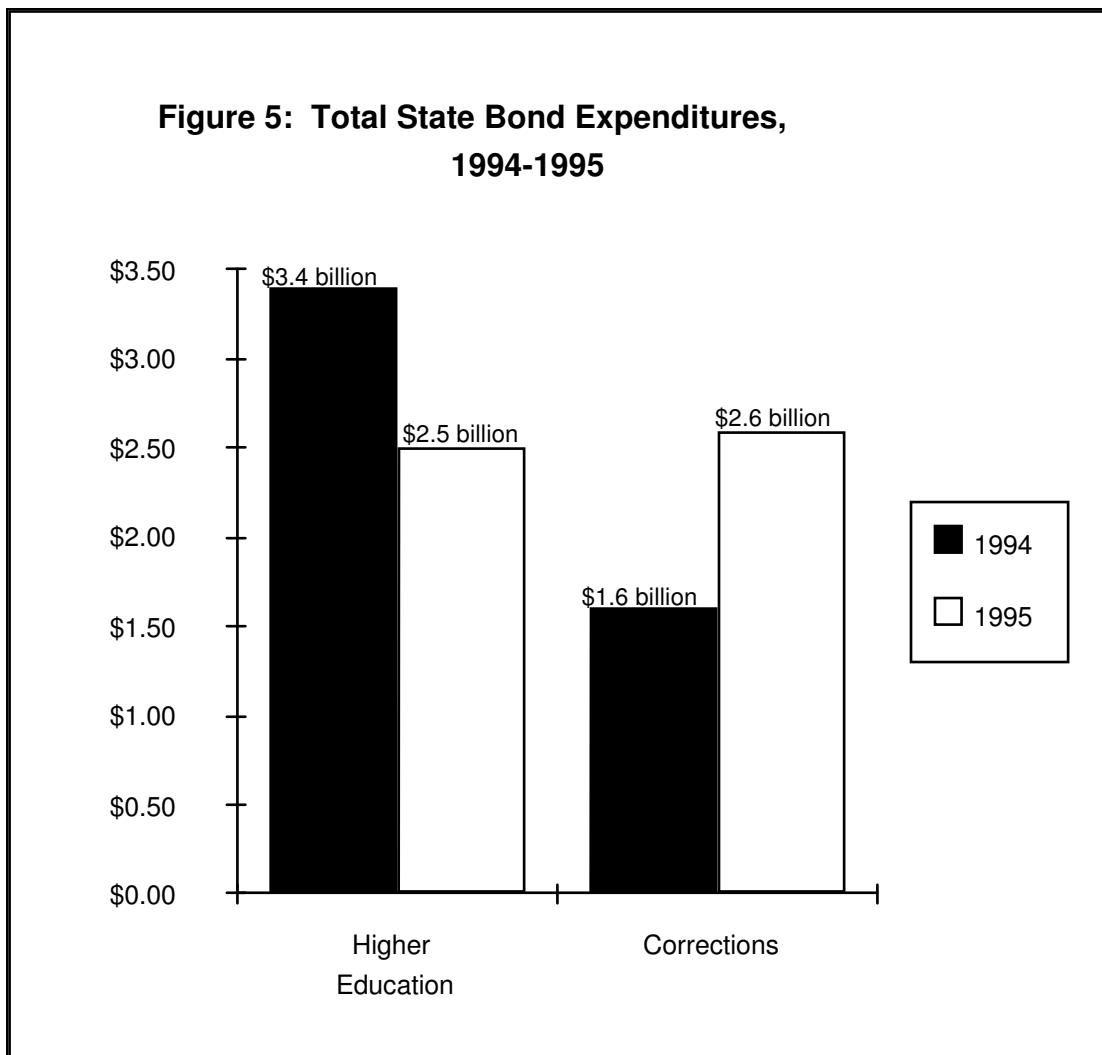


**The "build-'em and fill-'em" [prison] policies are taking place at the expense of higher education.**

Sources: U.S. Department of Commerce, Bureau of the Census. *State Government Finances: 1990 through State Government Finances 1980*. Washington, D.C.: U.S. Government Printing Office.

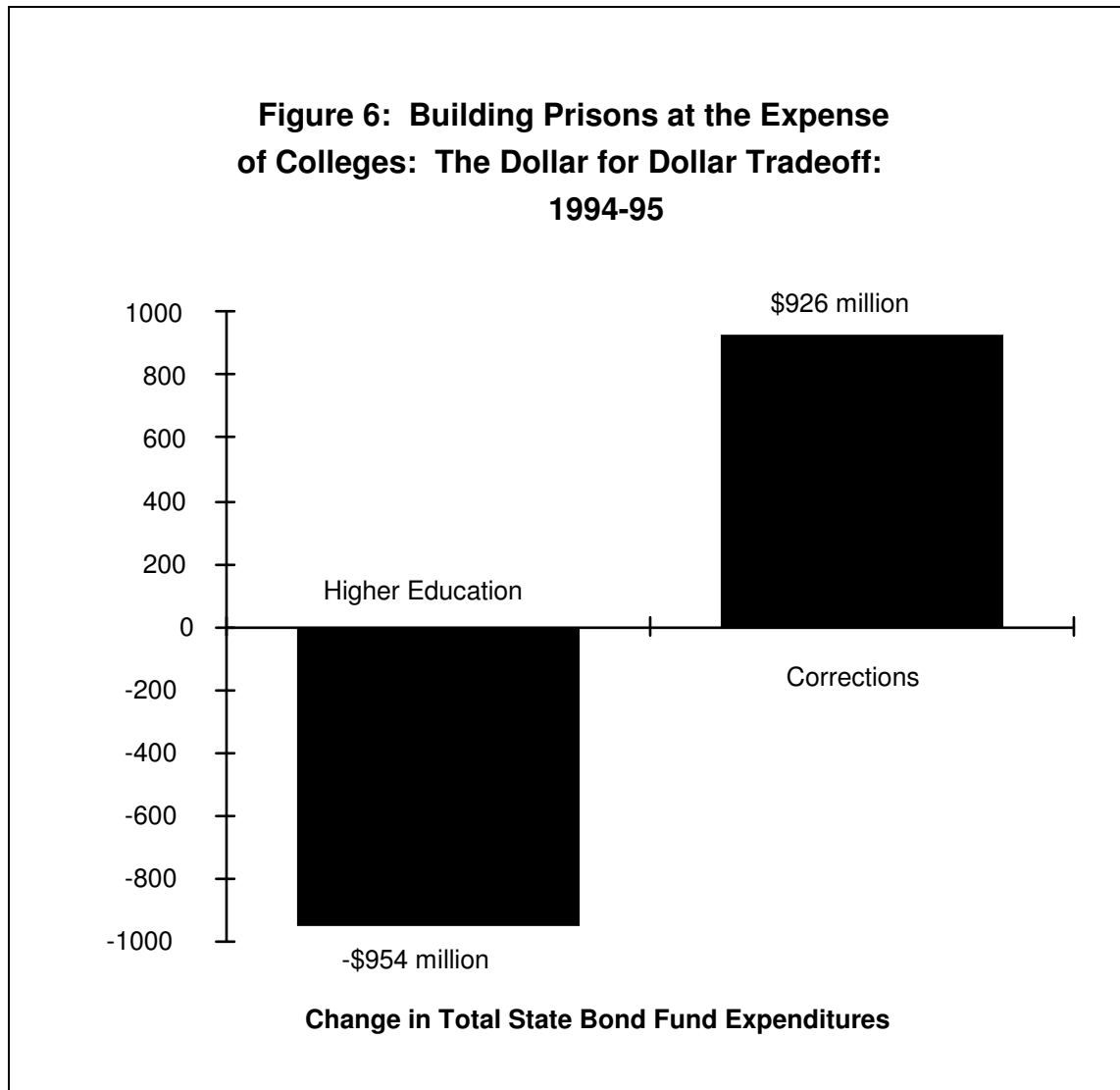
**...Correction expenditures from the sale of bonds will surpass higher education bond expenditures for the first time ever.**

To date, the 1990s are not showing any changes in construction spending patterns. In fact, America is reaching a major national landmark: according to the National Association of State Budget Officers 1995 estimates, the correction expenditures from the sale of bonds (which are primarily used for capital projects), will surpass higher education bond expenditures for the first time ever.<sup>25</sup> (Figure 5)



Source: National Association of State Budget Officers (NASBO). (April 1996). *1995 State Expenditures Report*. Washington, D.C.: 77, Table A-6; 98, Table A-22.

Over the most recent two years for which data is available (1994-5), the state bond funds allotted to higher education decreased by \$954 million, whereas state bond expenditures for corrections increased by an almost identical amount (\$926 million).<sup>26</sup> (Figure 6)



**Over the most recent two years...the state bond funds allotted to higher education decreased by \$954 million, whereas state bonds for corrections increased by an almost identical amount (\$926 million).**

Source: National Association of State Budget Officers (NASBO). (April 1996). *1995 State Expenditures Report*. Washington, D.C.: 77, Table A-6; 98, Table A-22.

## Higher Education is becoming unattainable for the average American

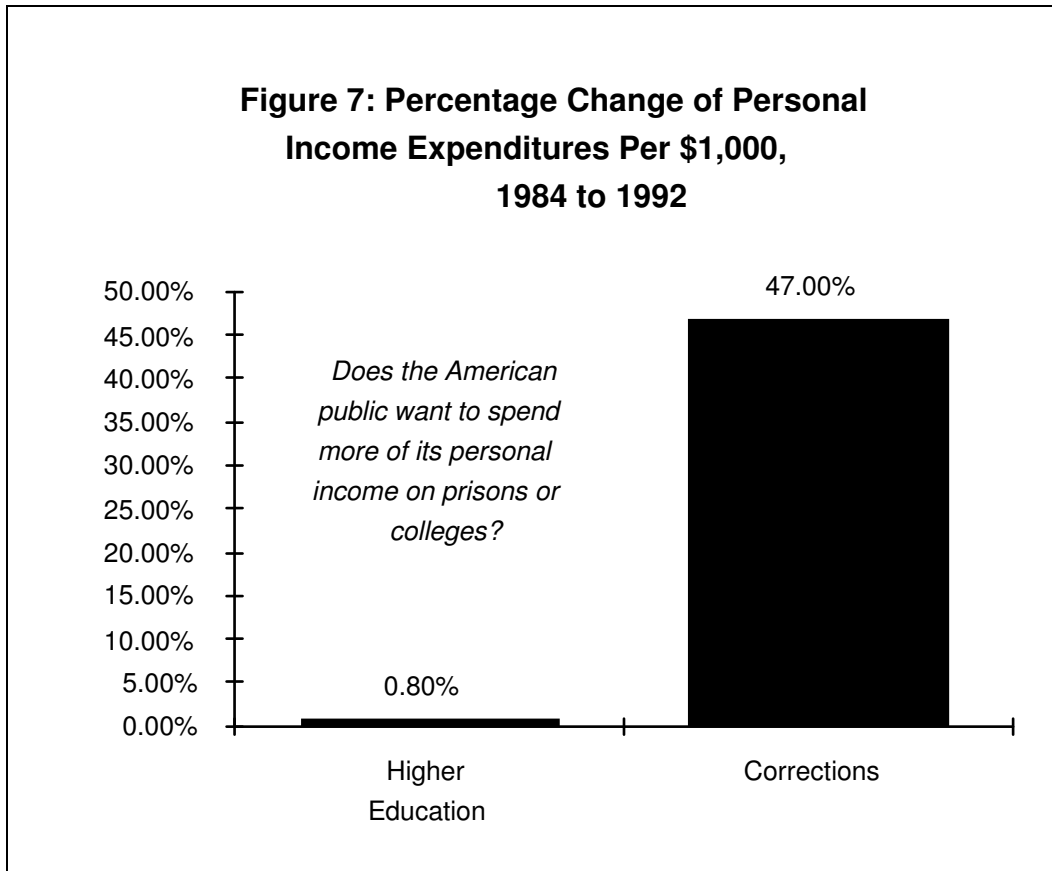
The controversy over college costs began in the 1970s as tuitions started to rise. In the 1990s tuitions continue to rise faster than inflation and the debate over state policies and procedures affecting public institutions is growing in intensity.<sup>27</sup> In order to offset the reduction in state appropriations, education officials have relied on part-time faculty positions, cutting programs, limiting enrollment, and, above all, increasing tuition. The burden for financing public higher education has shifted from states to students and their families.<sup>28</sup>

During the late 1970s and early 1980s, total federal expenditures for student grants declined, while the use of loans expanded. Recent studies of the effects of federal student aid programs have documented that the shift from grants to loans directly influenced the downturn in the access of minorities to higher education and the rate of growth in tuition.<sup>29</sup> According to the American Association of State Colleges and Universities, tuitions and fees for undergraduates at public four-year colleges and universities increased 6.1 percent--*twice the inflation rate*--from fall 1993 to fall 1994.<sup>30</sup>

Although middle-income students responded to the increased emphasis on loans in the 1980s, the overall returns on higher education are not improving when these students are confronted by high levels of personal debt. As many states are forced to substitute tuition for state support, the average family, which makes \$49,687 a year, cannot afford to send their children to college without a substantial loan.<sup>31</sup>

Over the last two decades, the increase of per capita spending for corrections outpaced higher education by a margin of over 3 to 1.<sup>32</sup> From 1984 to 1992 (the latest figures available), spending per \$1,000 of personal income for higher education increased by just 0.8%, while spending for corrections increased by 47%. (Figure 7)

**Over the last two decades, the increase of per capita spending for corrections outpaced higher education by a margin of 3 to 1...by the year 2020, more personal income will be spent on corrections than on higher education.**



Source: U.S. Department of Commerce, Bureau of the Census. *State Government Finances: 1992 through State Government Finances 1984*. Washington, D.C.: U.S. Government Printing Office.

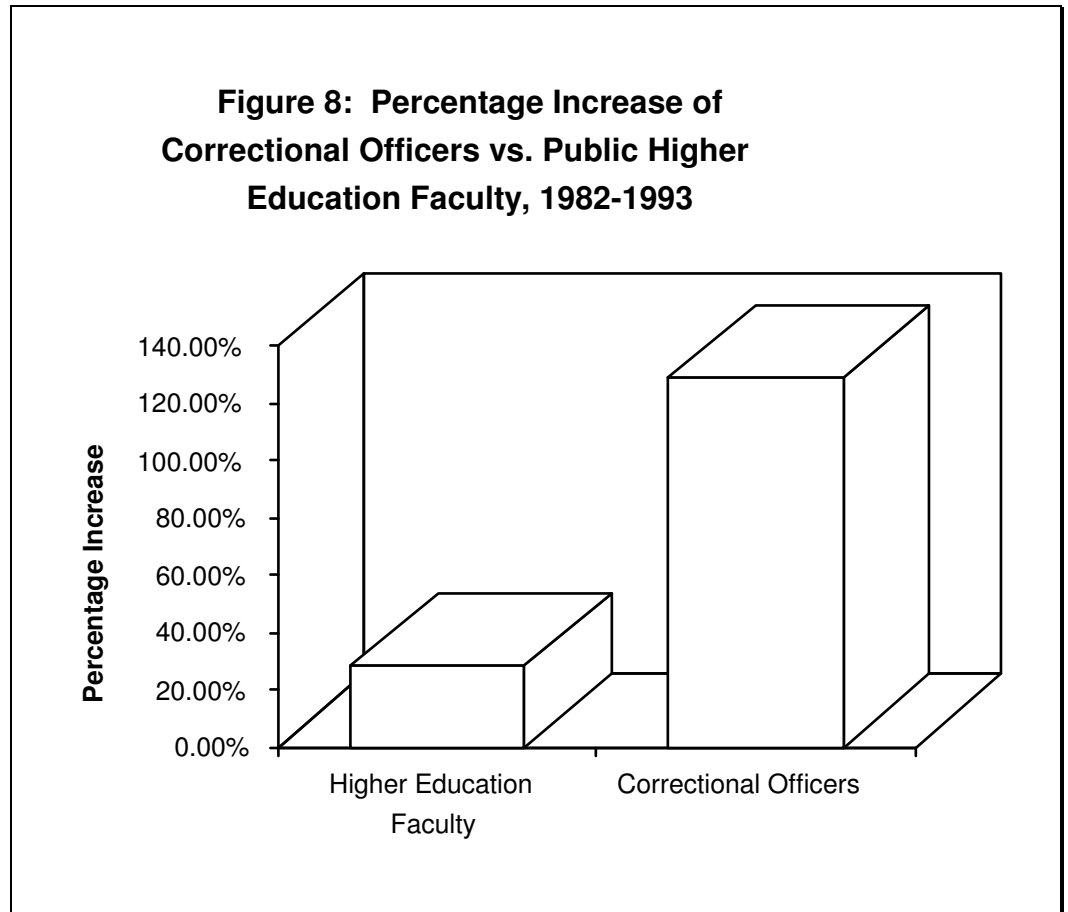
If trends continue, by the year 2020, more personal income will be spent on corrections than on higher education. How can states justify such a trend at a time when crime rates are stable and literacy and unemployment rates are climbing?

### **The costs of denying higher education**

Over the exact same time period, from 1982 to 1993, the instructional faculty at public institutions of higher education increased by 28.5% nationally, while the number of correctional officers increased by an astonishing 129%.<sup>33</sup> (Figure 8)

**If trends continue, by the year 2020, more personal income will be spent on corrections than on higher education.**

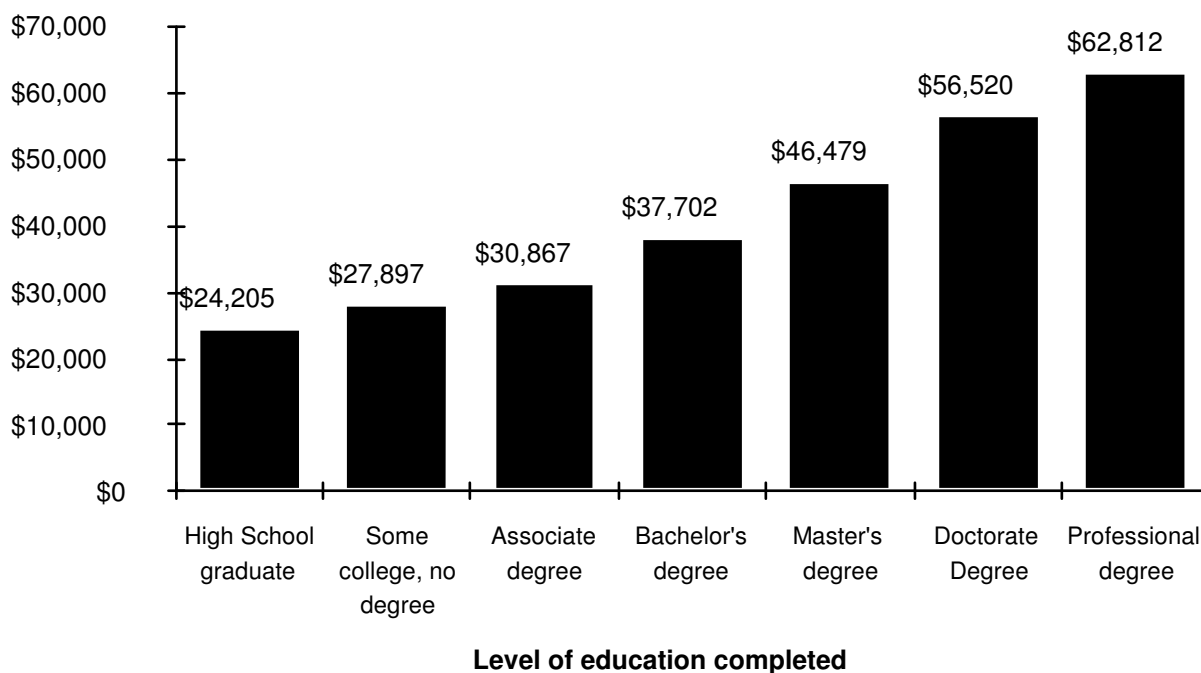
As states continue to lay off teachers to pay for corrections officers, it is becoming more apparent that their citizens are poorly educated and unemployable--precisely the kind of person who fills our prisons.



Source: U.S. Department of Education. (1996). Digest of Education Statistics 1996. Washington, D.C.: National Center for Education Statistics. Table 220; American Correctional Association. Table: Correctional Officers in Adult Systems. Lanham, MD: ACA.

As states continue to lay off teachers to pay for corrections officers, it is becoming more apparent that their citizens are poorly educated and unemployable--precisely the kind of person who fills our prisons.<sup>34</sup> The individual benefits derived from education are numerous. It is undisputed that advanced education leads to higher income potential, which improves the overall economy of the United States. In 1994, the median annual income of a high school graduate (25 years old and over) was 64% less than the income of four-year college graduate. (Figure 9)<sup>35</sup>

**Figure 9: Median Annual Income of year-round full-time workers 25 years old and over: 1994**



Source: U.S. Department of Education. *Outcomes of Education*. Washington, D.C.: 16, Table 375.

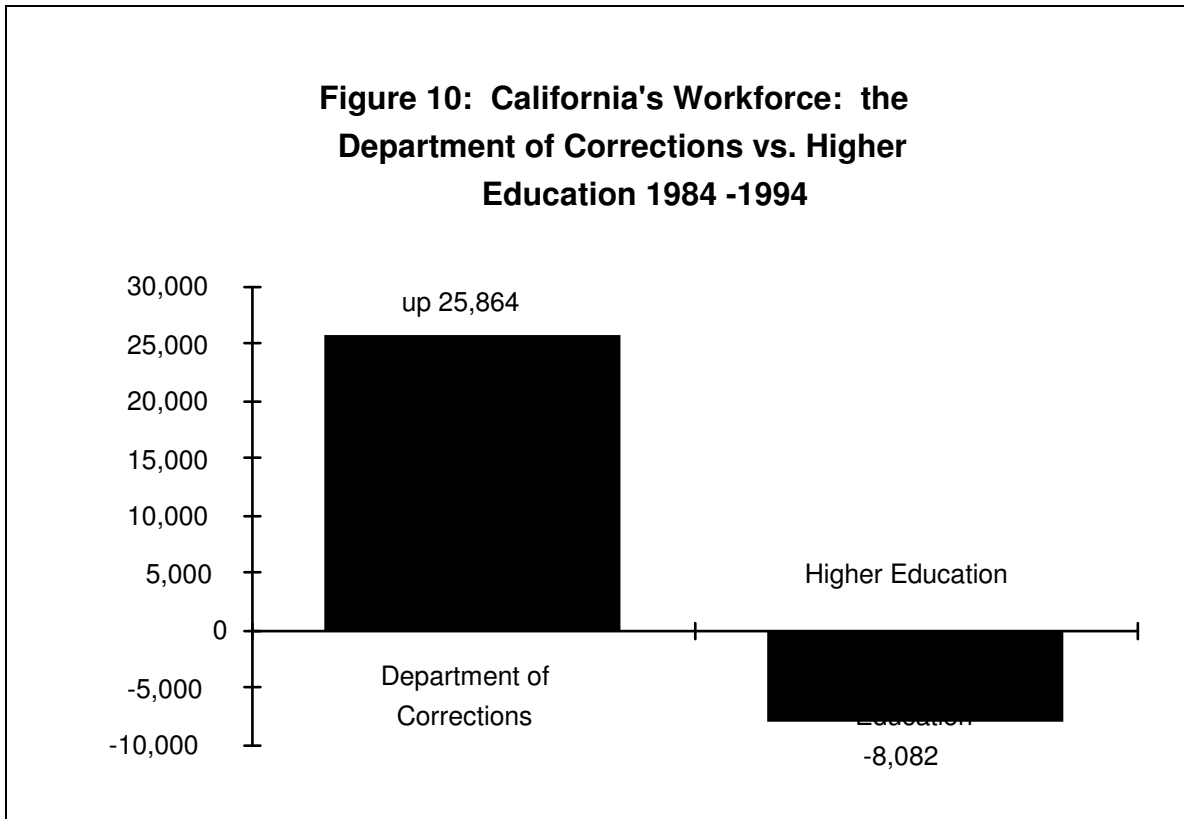
Unfortunately, the rising costs of education coupled with limited public resources denies far too many youths access to higher education. The costs are too high to both the individual *and* society to continue this trend.

## California and Florida: Recipes for Failure

### *The California Example*

California was once the state to emulate for education policies. Now it is the state Americans need to analyze in order learn from its mistakes. Through an analysis of California General Fund appropriations, the Center on Juvenile and Criminal Justice found that "the increasingly higher proportions earmarked for corrections clearly occur at the expense of other major program expenditures, particularly higher education".<sup>36</sup> In 1980, higher education accounted for 9.2% of the state's General Fund expenditures, while corrections accounted for 2.3%. Now, for the first time in California's history, more money is spent on corrections (9.4% of the General Fund) than on higher education (8.7%).<sup>37</sup>

Since 1984, California constructed 21 prisons and only one state university. The Department of Corrections added 25,864 employees, while there was a workforce reduction in higher education of 8,082. (Figure 10)<sup>38</sup>

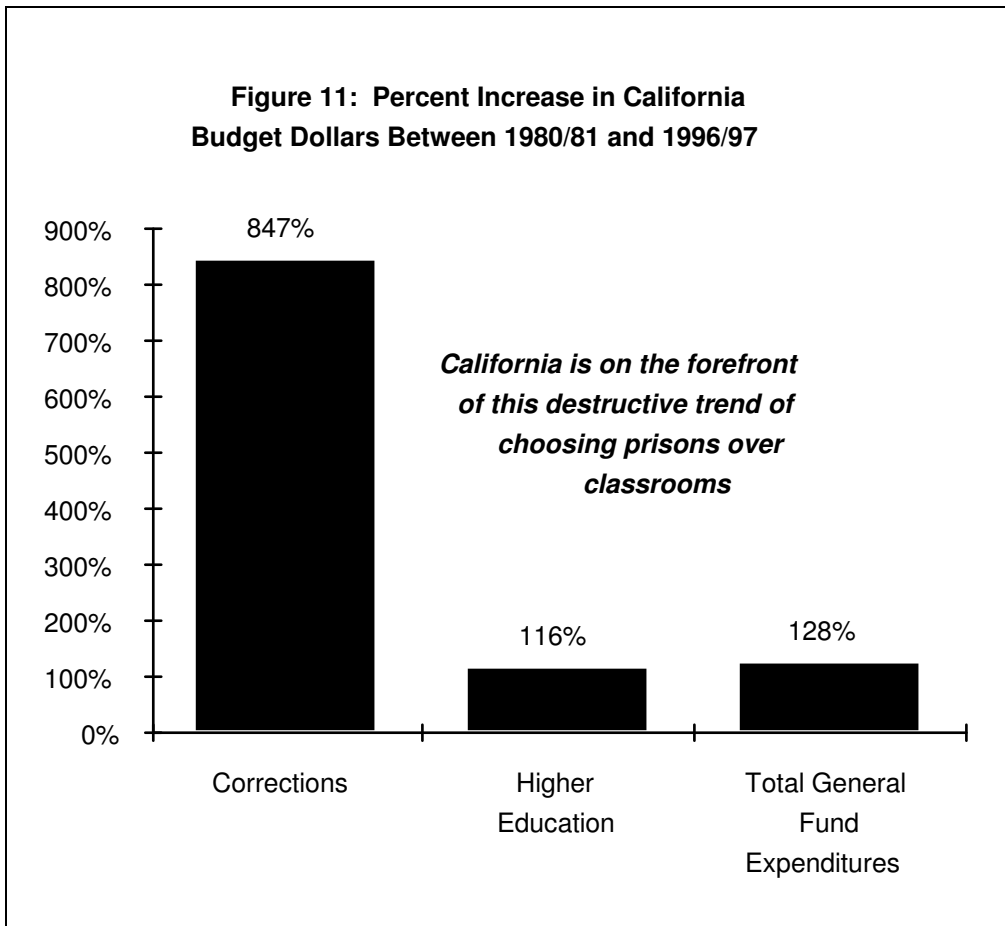


Source: Noah Baum and Brooke Bedrick. (April 1994). *Trading Books for Bars: The Lopsided Funding Battle Between Prisons and Universities*. San Francisco, CA: The Center on Juvenile & Criminal Justice.

As in most states, the California university system is compensating for this shift of funds by increasing college tuitions. This has caused the number of students seeking financial aid to nearly double over the last five years, despite the fact that financial aid has not kept pace with the costs of higher education.<sup>39</sup> For the cost of incarcerating one prisoner for one year, California can educate ten community college students, five California State University students, or two University of California students.<sup>40</sup>

If current trends continue, the Rand Corporation estimates that state spending on corrections will rise to an alarming 18% of the General Fund over the next seven years.<sup>41</sup> Because this is more than the expected increases in state revenues, Rand researchers predict that higher education will likely fuel the growth in the corrections budget.

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Sources: Legislative Analyst's Office; California Budget Office; California Higher Education Policy Center. (May 1995). *Financing the Plan: California's Master Plan for Higher Education 1964 to 1994*.

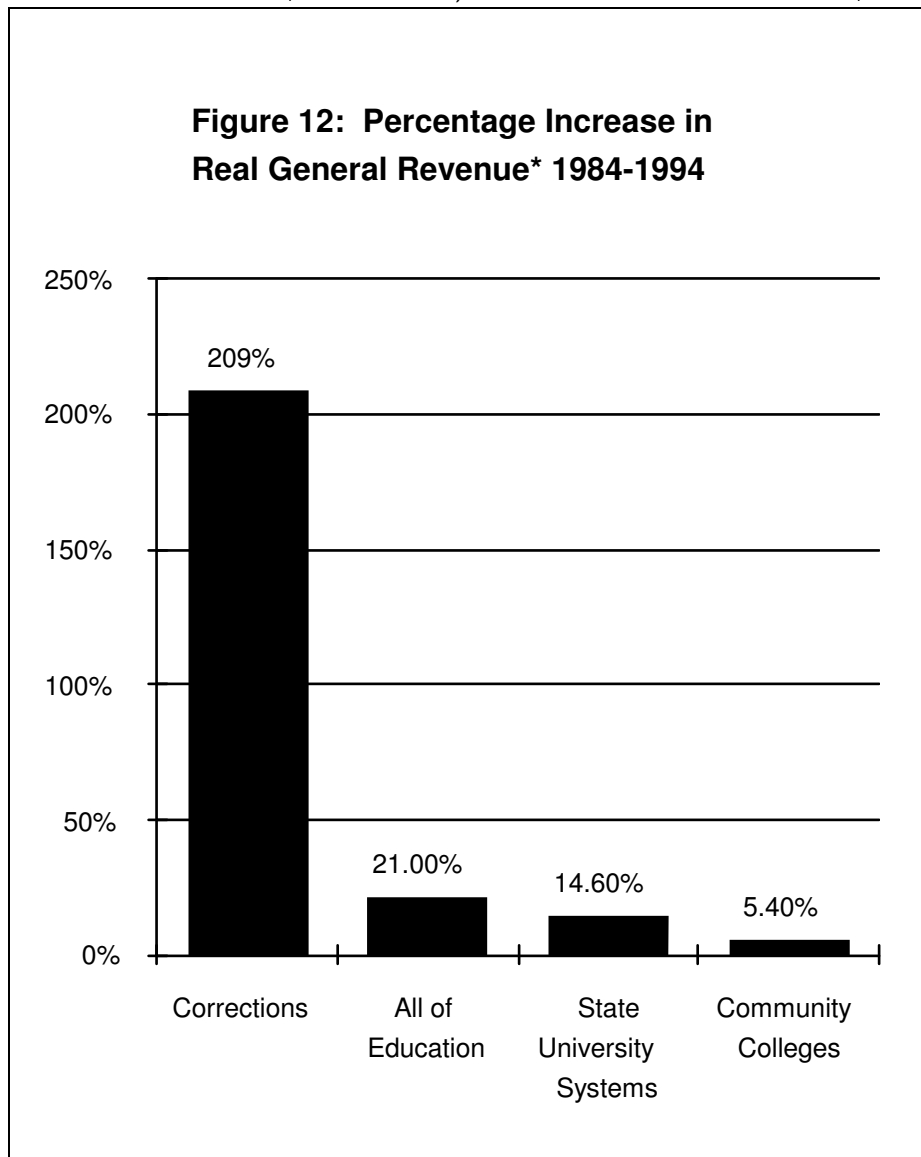
If California's governor and legislature continue with the current criminal justice policies, the budget for the California Department of Corrections will grow from \$3.5 billion to nearly \$5 billion by the year 2000.<sup>42</sup> In order to keep pace with the incarceration rate, 24 new prisons will need to be built by 2005, costing taxpayers \$7 billion to construct and \$6 billion to operate each year.<sup>43</sup> At the same time, 450,000 students will be heading toward public higher education and most likely unable to attend because of lack of space or outrageous tuition fees.<sup>44</sup>

As California's governor chooses prisons over classrooms, the California voters are calling for a change in priorities. Californians chose schools over prisons by 78% to 15% when given a forced choice of either building more schools or building more prisons.<sup>45</sup> This is a time of crisis for California and many other states. At a time of crisis, legislatures need to listen to the voters who have stated that "prison construction is a relatively low priority, particularly when weighed against the goal of building new schools."<sup>46</sup> If state legislatures do not change current policies and choose higher education over prisons, the affects on America will be disastrous.

## Florida's Failing Policies

Florida is another example of a state whose policies have taken a turn for the worst. Florida has historically spent much more of its general revenue on state universities than on state prisons. Today, for the first time ever, the state spends more on 56,000 prisoners than on 203,000 university students or 300,000 degree-seeking community college students. Florida's average faculty salaries rank 42<sup>nd</sup> in the nation.<sup>47</sup>

Over the last twenty years, the distribution of Florida's general revenue has changed dramatically. The State University System fell from its historical average of 11-13 percent of the general revenue to less than 8 percent. At the same time, corrections spending quintupled to \$1.3 billion, 9.5% of the general revenue. (Figure 12) Of the additional \$8 billion increase in Florida's general revenue over the last decade, public higher education received \$602 million, while corrections received \$1.05 billion.<sup>48</sup>



\*Adjusted for inflation, 1984 constant dollars.

**Today, for the first time ever, [Florida] spends more on 56,000 prisoners than on 203,000 university students or 300,000 degree-seeking community college students.**

Florida now ranks 45th in the number of baccalaureate degrees awarded per 100,000 college-aged citizens. And yet, over the next decade, more than one million high school graduates in Florida will be seeking higher education.

At a time when Florida's crime rates have remained constant, the legislature appropriated \$420 million to build 20,000 new prison beds. Based on the current building program, the operating budget of the Department of Corrections will exceed \$1.7 billion per year by 1998, compared to \$582 million in 1988.<sup>49</sup>

**From 1992 to 1994, General Revenue appropriations to the Department of Corrections increased by \$450 million.<sup>50</sup>**

- That amount is more than the appropriations increase the State University System has received in 10 years.
- It is more than twice the increase Florida's community colleges have received in the last decade.
- It would provide funding for tens of thousands of additional students to enter Florida's community colleges or universities.
- It would fund drug treatment for 90,000 drug addicted mothers for nine months each.

Current policies in Florida and throughout the country need to be reevaluated before any more students are denied access to higher education. A 1994 report by the Florida Council of 100 accurately summarized the type of policies America must implement:

"Wise public policy...will combine effective, cost-efficient reforms in criminal justice with investments in the state's future. Only if criminal justice expenditures are made efficiently, will resources be available for critical investments in prevention, intervention and education."<sup>51</sup>

### **Most prison officials call for balanced approach, while others try to benefit from mushrooming prison budgets**

Many state corrections leaders and prison wardens have voiced objections to the fact that nonviolent offenders are overburdening their facilities and taking money away from more important cost-effective crime solutions like education. Bishop L. Robinson, Maryland's public safety chief, recently opined that 32 percent of the prisoners in his state could be paroled immediately or put into alternative programs.<sup>52</sup> James A. Gondles, executive director of the American Correctional Association, agreed with Robinson: "It's not a question of being soft, it's a question of solving a problem before it eats us alive."<sup>53</sup>

According to a national survey conducted by Senator Paul Simon's Subcommittee on the Constitution, prison wardens uniformly reject the current "tough on crime" policies. Instead, wardens call for additional prevention programs, smarter use of prison resources, the repeal of mandatory minimum sentences, and an expansion of alternatives to incarceration. Eighty-five percent of wardens surveyed said that elected officials are not offering effective solutions to America's crime problem and ninety two percent believe that greater use should be made of alternatives to incarceration. Wardens felt that, on average, half of the offenders under their supervision could be released without endangering public safety. The former Senator Simon understood that "for all the new prisons we've built and filled over the last two decades, we feel less safe today than we did before".<sup>54</sup>

**85% of wardens surveyed said that elected officials are not offering effective solutions to America's crime problem... 92% believe that greater use should be made of alternatives to incarceration.**

The wardens who participated in the survey generally call for a more balanced approach that mixes punishment, prevention, and treatment. When asked how they would spend an additional \$10 million in resources, wardens said they would allocate only 43 percent to law enforcement and 57 percent to prevention. Seventy-one percent of the wardens said that improving the educational quality of public schools would make a major difference in fighting crime. Unfortunately, the voices of these officials were not heard during the most recent crime bill debates. The 1994 Violent Crime Control and Law Enforcement Act, the most expensive crime bill in history, allocated only a quarter of the \$30 billion to prevention programs. Chase Riveland, a corrections official in Washington state, said that focusing only on prisons and ignoring prevention is "drive-by legislation" at best.

By contrast, several burgeoning prison guard unions see further growth opportunities in mushrooming prison budgets. The number of prison guards in 16 states has doubled in the past decade. Prison guard ranks have tripled in Michigan, where the prison system recently became the state government's number one employer. According to the lobbyist for Michigan's prison guards, Mel Grieshaber, "the corrections area is taking such a big bite out of budgets that it offers us the opportunity to have our say."<sup>55</sup>

California's prison guard union -- the state's largest donors to Governor Pete Wilson by a factor of three -- recently commissioned its own survey of likely voters on the subject of books versus bars. Five times as many respondents said they would prefer building schools over building prisons. Undaunted, the union concluded, "the only way to build a consensus for prisons is to do so in a way that will not be seen as coming at the expense of education." A sound political strategy, whether it is factually accurate or not.

<b>Table 3: Summary of Attitudes The Policies America Prefers</b>	
<b>75% of Americans</b>	<b>Believe a balanced approach of prevention, punishment and treatment is better at controlling and reducing crime than imprisonment alone.</b>
<b>60% of Americans</b>	<b>Believe higher education is becoming out of reach for the average American</b>
<b>85% of wardens</b>	<b>Believe elected officials are not offering effective solutions to America's crime problem</b>
<b>92% of wardens</b>	<b>Believe greater use should be made of alternatives to incarceration</b>
<b>71% of wardens</b>	<b>Believe improving the educational quality of public schools would make a difference in fighting crime</b>
<b>5 to 1 California voters</b>	<b>Prefer building schools over building prisons</b>
<b>72% of California respondents</b>	<b>Oppose taking funds from universities to pay for "three-strikes"</b>
<b>By 56% to 38% Houstonians</b>	<b>Favor spending money to reduce poverty and keep young people in school over spending the money to send criminals to prison for a long time.</b>

### **Surveys: What does the public *really* want?**

**American attitudes toward punishment are widely considered by elected officials and the media to be far more punitive than they actually are.**

According to the National Criminal Justice Commission, American attitudes toward punishment are widely considered by elected officials and the media to be far more punitive than they actually are.<sup>56</sup> Many public opinion surveys regarding crime are misleading because they ask simplistic questions. For example, when asked a yes-no question such as, "should a criminal be imprisoned", of course the overwhelming majority will answer yes. However, when the public is provided with additional information about the perpetrator, the crime, and alternatives to incarceration, the survey results vary. While citizens naturally want to punish offenders and hold them responsible for their actions, they also want to be smart about the punishment so money is not wasted and criminals do not reoffend when released.<sup>57</sup>

Most Americans believe that serious violent offenders need to be incarcerated. However, when the issues are broadly presented, Americans are willing to consider incarceration alternatives, such as intensive probation, house arrest, community service, and restitution, for appropriate offenders.<sup>58</sup> The nonprofit Public Agenda Foundation conducted focus groups in Delaware and Alabama to determine what would happen to public attitudes if people were given information about punishments other than prison.<sup>59</sup> In Delaware, participants in the first phase of the study (which gave a choice between prison and probation for various crimes) wanted to incarcerate seventeen out of twenty-three offenders. After receiving information about sentencing alternatives, the second phase sentencings dropped to only five incarcerations out of twenty-three crimes. In Alabama, the results were similar. Incarceration was favored in eighteen out of twenty-three cases in the first phase, and in only four cases after the participants were given sentencing alternative information.

According to a national survey, commissioned by the American Correctional Association, three out of four Americans believe a balanced approach of prevention, punishment, and treatment is better at controlling and reducing crime than imprisonment alone. "These results show that the public's mood may not be as punitive as some politicians would have us believe," said Bobbie L. Huskey, ACA president. "As corrections professionals, we know that prevention and treatment will reduce crime in the long run."<sup>60</sup>

In 1994, Houston residents were asked which policy they thought would be "most effective in reducing crime". "Spending large sums of money to send criminals to prison for a long time," or "Spending the same money to reduce poverty and keep young people in school." By 56 to 38 percent, despite their heightened fears of crime, respondents chose the second approach.<sup>61</sup> Surveys across the country have shown that given the opportunity, an informed public will choose a balanced approach to crime control.

In California, citizens are growing increasingly skeptical of prison expansion as a crime control panacea. In a Los Angeles Times poll, 72% of respondents indicated that they oppose taking funds from universities to pay for "three-strikes." The last two prison and jail bond initiatives on the statewide ballot went down to a double-digit defeat.

**...Three out of four Americans believe a balanced approach of prevention, punishment, and treatment is better at controlling and reducing crime than imprisonment alone... 60% believe higher education is becoming out of reach for the average American.**

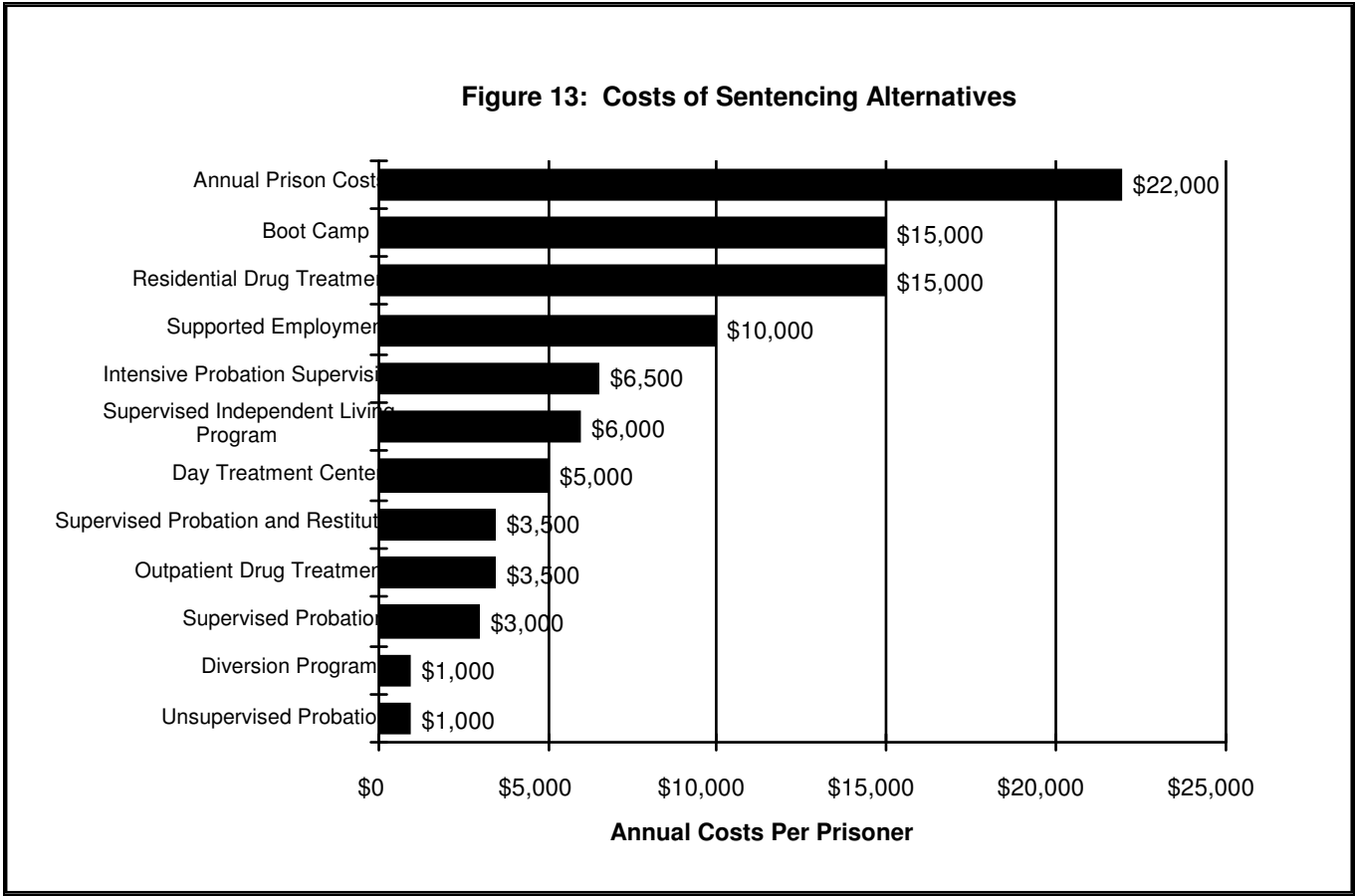
Americans are beginning to feel the astronomical burdens from corrections budgets. Recently, the Washington Post conducted a national poll where 60 percent of those surveyed believed higher education was becoming out of reach for the average American. "Anxiety about that issue outranked virtually every other domestic concern of voters, including fear of crime and the health of the nation's economy."<sup>62</sup>

Informing the public is powerful. Just as an informed public in Delaware and Alabama did not choose imprisonment over alternative corrections for certain nonviolent offenders; an informed public would not choose prison expansion, fueled by bait and switch policies, at the expense of higher education and other social spending. And yet, that is exactly what is happening.

### **Pathway to the Future: Changing Priorities**

States continue to struggle for solutions to their financial woes. State budgets are already stretched to the limits and there is no end in sight. In order to provide a prosperous future for our youth, we must replace costly, "quick-fix" policies with long-term, cost-effective solutions. The current criminal justice policies which call for the incarceration of more nonviolent offenders for longer periods of time, weigh heavily on state budgets. In order to carry out the policies of three-strikes, truth-in-sentencing, and mandatory minimums, states are forced to build more prisons to house more nonviolent offenders. These are costly and inefficient policies, particularly at a time when violent crime remains stable. Because state corrections spending is one of the most draining budget expenditures with little or no return, states need to seek alternative criminal justice policies.

According to the National Association of State Budget Officers, at least thirty-five states have already started to revamp corrections policies by experimenting with alternatives to prison sentencing for nonviolent offenders.<sup>63</sup> These intermediate sanctions have proven to be cost-effective in terms of reducing prison crowding and costs, improving rehabilitation, decreasing recidivism, and ensuring public safety. Each time an offender is sentenced to prison, it costs on average \$22,000 to \$25,000 per year. Including hidden costs of incarceration--construction overruns and debt service--the average age inmate consumes an amount significantly higher than the salary of the typical American worker.<sup>64</sup> Most nonprison sanctions cost less than half as much as prison. (Figure 13)



Source: Donziger, Steven, ed. (1996). *The Real War on Crime: Report of the National Criminal Justice Commission*. New York: HarperCollins. 58.

According to the Rand Corporation, "Prisons are becoming a big budget item that is really scaring state legislatures."<sup>65</sup> And it should. Corrections is not only costly *and* ineffective for most nonviolent offenders, it also siphons funding of vital programs such as higher education. These budget cuts deprive lower and middle income students the opportunity to further their education; which, in turn, deprives states of a crucial resource: a well-educated citizenry.

**"Prisons are becoming a big budget item that is really scaring state legislatures."**

The benefits of education are undisputed, but the benefits of the prison build-up are inconclusive, at best. We can no longer deny our mistakes by favoring an ineffective prison system at a comparable loss to the quality of higher education. It is time to reevaluate the current policies in order to provide the youth of America the opportunity to sit in a classroom instead of a prison cell.

## Recommendations

### 1. Adopt a moratorium on new prison construction.

**Cut the nonviolent prisoner population in half over the next five years.**

A moratorium on new prison construction must be implemented immediately until states can determine which prisoners might be better served by a nonprison sanction. If the current prison build-up continues, officials will never have the opportunity to utilize their resources more effectively. Instead, they will continue to fill these new prisons with nonviolent offenders. Corrections officials have stated that 50% of their *entire* prison populations could be released into programs such as intensive supervision and drug treatment. Reducing *nonviolent* prisoner populations by 50% is a more conservative step toward evaluating the effectiveness of such a proposal. The millions of dollars saved by the diversion of appropriate inmates could be used partially to establish a range of intermediate community options for such offenders *and* to offset taxpayer costs for other needed state services--such as higher education

### 2. Reallocate the prison construction funding from the 1994 Crime Act as seed funding for community corrections.

The majority of offenders imprisoned today are nonviolent offenders and the percentage of state prisoners serving a drug sentence more than tripled over the last decade. Nationally, the criminal justice system easily has enough prisons to house all violent offenders. With over one-third of the \$30 billion Crime Act allocated towards prison building, more and more low-level nonviolent offenders will be housed in these new prisons at an extraordinary cost to the taxpayers. Ten billion dollars in federal prison construction will mean that over the next 30 years, \$160 billion in *state* general fund dollars will go to prison operations instead of higher education.

Instead of unnecessarily building more costly prisons, Crime Bill funds should be reallocated to create a comprehensive and cost-beneficial range of no-nonsense community corrections programs including supervised probation, daily reporting, house arrest, drug treatment, and progressively steeper fines.

**Ten billion dollars in federal prison construction will mean that over the next thirty years, \$160 billion in state general fund dollars will go to prison operations instead of higher education.**

### **3. Initiate widespread enactment of Community Corrections Acts.**

In most states, when a county judge sentences a person to probation and a community-based treatment program, the county pays the entire bill for the supervision and treatment of that offender. When a judge sentences a defendant to prison, however, the state picks up the whole tab. Too frequently, counties have no option but to send low-level, nonviolent offenders to state prison due to a lack of funds to treat them in their own community.

In Minnesota (and 14 other states around the country), they've tackled this skewed incentive system with a Community Corrections Act. The state pays counties a percentage of what it would otherwise cost to send that petty thief to prison to retain him in a local, community-based program. Minneapolis judges still have the option of sending those offenders to prison. However, if they feel that a drug treatment program with intensive supervision is more appropriate, their county gets state funds to purchase such services and the state gets to keep the rest of what it would have to cost to imprison that offender.

### **4. Require a fiscal impact statement before implementing major crime policies.**

Criminal justice spending must be cost-effective so it does not drain resources from other vital programs like higher education. Unfortunately, over the last fifteen years, the massive expansion of the criminal justice system has come at the expense of higher education, and other programs. To ensure a better balance in criminal justice spending, all proposed changes in crime policy must be accompanied by a fiscal impact statement. This statement should be similar to a business plan. It should state how much the initiative will cost, how it will be paid for, and its expected rate of return. Policy makers need to consider the entire budget when implementing crime policy because a state that builds a new prison has less money to spend on education programs. The entire system must be evaluated when implementing costly crime policies.

### **5. Invest in the future of children, families and communities.**

We must not lose sight of the fact that our children, our families and our communities are the essence of America. Unfortunately, current criminal justice policies are detracting from our investments in the youth of America. As more prisons are built to house low-level nonviolent offenders, more children are denied access to higher education, unable to afford exorbitant tuition costs. As state corrections budgets increase, investments in higher education decrease. Current corrections policies are draining the lifeblood from America's youth. We need an immediate shift in priorities from funding prisons to funding higher education.

## Endnotes

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- <sup>4</sup>U.S. Department of Justice, Bureau of Justice Statistics. (June 1994). *Prisoners in 1993*. Washington D.C.: 13, Table 18.
- <sup>5</sup>Donziger at 9.
- <sup>6</sup>Bureau of Justice Statistics. (April 1996). Bulletin. *Criminal Victimization 1994*. Washington, D.C.: 5.
- <sup>7</sup>Myers, Linnet. (December 4, 1995). Prison population is soaring in U.S. *Chicago Tribune*.
- <sup>8</sup>Note: the costs for corrections and higher education vary according to the sources used. For this report, the Justice Policy Institute uses statistics from the Census Bureau, Government Division, (unless otherwise noted) because it is the most thorough and the most detailed statistics for all state expenditures. Each source, such as the Justice Department, the National Association of State Budget Officers, and the National Conference of State Legislatures, has its own formula for state expenditures. However, it has been agreed that the Census Bureau has the most accurate formula for analyzing this data.
- <sup>9</sup>The Edna McConnell Clark Foundation. (April 1993). *Americans Behind Bars*. New York: The Edna McConnell Clark Foundation: 4.
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- <sup>12</sup>Moore, John W. (July 30, 1994). Locked In. *National Journal*: 1785.
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- <sup>16</sup>Hanlon, Sean M. (December 24, 1993). State Prisons Taking a Hit from AIDS. *Washington Times*.
- <sup>17</sup>U.S. Department of Justice, Bureau of Justice Statistics. 1996. *Sourcebook of Criminal Justice Statistics 1995*. Washington, D.C.: U.S. Government Printing Office: 565, Table 6.29.
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- <sup>19</sup>Gold, Steve. (July 1990). *The State Fiscal Agenda for the 1990s*. Albany, NY: Center for the Study of the States, Nelson A. Rockefeller Institute for Government. 16.
- <sup>20</sup>Note: these figures came from total General Fund expenditures. The transportation data was eliminated because it is a unique category where states have received increased federal funding for highways and transportation and increased funding from the motor fuel tax. Therefore, transportation state spending shows a decrease of 1.4% of the general fund expenditure in 1987 to 0.8% in 1994. NASBO at 16, Table 3.
- <sup>21</sup>Note: the "All other" category includes hospitals, economic development, housing, environmental programs, health programs (other than Medicaid), parks and recreation, natural resources, air transportation, and water transport and terminals.
- <sup>22</sup>Public higher education generally includes state universities, community colleges, and vocational training institutions.
- <sup>23</sup>Gold, Steve D. (December 1995). *State Spending Patterns in the 1990s*. Albany, NY: Center for the Study of the States, Nelson A. Rockefeller Institute for Government: 17.
- <sup>24</sup>Ibid at iv.
- <sup>25</sup>Note: 1995 data from NASBO is based on self-reporting estimates. NASBO at 77, 98, Tables A-6, 22.
- <sup>26</sup>Ibid at 77, 98, Tables A-6, 22.

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<sup>27</sup>Ibid at 34.

<sup>28</sup>Kramer, Martin. (1993). *Changing Roles in Higher Education Finance*. In Background Papers and Reports, edited by J.P. Merisotis. Washington, D.C.: National Commission on Responsibilities for Financing Postsecondary Education.

<sup>29</sup>St. John, Edward P. (1994). 94 Prices, Productivity, and Investment: Assessing Financial Strategies in Higher Education. *ERIC Digest*. Washington, D.C.: ERIC Clearinghouse on Higher Education, George Washington University: 1-2.

<sup>30</sup>NASBO at 33.

<sup>31</sup>According to the Census Bureau, \$49,687 is the median income for 4-person families in 1995.

<sup>32</sup>U.S. Department of Commerce, Bureau of the Census. *State Government Finances: 1992 through State Government Finances 1972*. Washington, D.C.: U.S. Government Printing Office.

<sup>33</sup>U.S. Department of Education. (1996). *Digest of Education Statistics 1996*. Washington, D.C.: National Center for Education Statistics. Table 220; American Correctional Association. Table: *Correctional Officers in Adult Systems*. Lanham, MD: ACA.

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<sup>41</sup>Carroll, S.J., McCarthy, K.F., and Wade, M. (1994). California's Looming Budget Crisis. *Rand Research Review*. vol. 18, no. 2.

<sup>42</sup>Legislative Analyst's Office. (1996). *The 1996/97 Budget: Perspectives and Issues*.

<sup>43</sup>Ibid at 87.

<sup>44</sup>California Postsecondary Education Commission. (August 1995). *A Capacity for Growth: Summary Enrollments, Resources and Facilities for California Higher Education, 1993/4 to 2005/6*.

<sup>45</sup>Frederick/Schneiers, Inc for Correctional Peace Officers Association. (December 1995). *Results of a Survey on Prisons and State Spending Among California Voters*: 1.

<sup>46</sup>Ibid.

<sup>47</sup>Reed, Charles B. (November 10,1994). *The Next Generation*. Tampa, FL: The Florida Council of 100: 7-8.

<sup>48</sup>Ibid at 4.

<sup>49</sup>Ibid at 5.

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<sup>51</sup>Ibid. 2.

<sup>52</sup>Valentine, Paul. May 24, 1993. "You Can't Build Your Way Out", Maryland Official Says. *Washington Post*.

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<sup>64</sup>Donziger at 55-6.

<sup>65</sup>Zachary, G. Pascal. (September 29, 1995). Economists Say Prison Boom Will Take Toll. *The Wall Street Journal*.

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