

The "War on Drugs" fostered a massive surge toward incarceration of criminal offenders. While harsh sentencing statutes led to longer prison sentences, the vast majority of incarcerated offenders return to the community. Ex-offenders are released back into communities that fostered their delinquent behavior. The basic elements for the successful reentry of offenders into the community are employment and housing; however, such avenues are often closed to ex-offenders (see discussion on collateral consequences). There are also additional needs related to addiction recovery, mental health, and physical health.

Reviewing the data from the website Justice Atlas of Sentencing and Corrections (www.justiceatlas.org), we find that the residences of parolees and ex-offenders are not randomly dispersed across the country. This website documents reentry disparities with an interactive mapping tool that reveals highly concentrated "pockets" of criminal justice system activity across urban and rural areas. Typically those released from prison return to the communities they came from, with consistently high poverty levels and high levels of ex-offenders. A number of criminological theories outline the criminogenic aspects of communities, such as social disorganization theory, social learning theory, and critical race theory. This section poses the question, "How does a high presence of ex-offenders destabilize communities?" Given the highest rates of incarceration are for African Americans, what is the impact of ex-offender reintegration on African-American communities? As noted in Chapter 3, African Americans are substantially more likely to live in poverty and have higher unemployment rates. Do U.S. legal policies perpetuate a cycle of incarceration that correlates with high levels of social disorganization, poverty, and unemployment?

Offender Reentry

Access to employment and housing are two basic pillars of reentry success. Clearly having an income can forestall recidivism, as much of crime in American society is crime-generating activity (theft, drug sales, fraud, and so on). It is a challenge to retain employment with a criminal record. Some programs exist as "second chance" initiatives to offer stipends from public funds to private employers to hire ex-offenders. "Ban the Box" is a movement by more than 100 local, state, and federal hiring authorities to delay the questioning on felony conviction status from the initial application phase to a later interview stage.²⁹

Geneva Brown asserts that "female offenders form a complex population that require gender based services and treatment, and often have suffered harsher social and economic circumstances than male offenders before being incarcerated."³⁰ Brown argues that the needs of African-American women are centered on health-care needs (addiction and sexual abuse recovery) and family (caregivers of parents and children). Brown's review of the literature in this area reveals the African-American women are more likely than Latino or white women to exit prison with their children in foster care, are more likely to exit prison as HIV positive than any other group, and are more likely to have no partner to share the demands of household support. In short, spending years in prison leaves women unprepared to deal with state child welfare systems and publicly funded medical care.

FOCUS ON AN ISSUE**The Case for Education Programs in Prisons**

In 2016, the RAND Corporation released a report asserting that “inmates who participate in any kind of educational program behind bars—from remedial math to vocational auto shop to college-level courses—are up to 43 percent less likely to reoffend and return to prison”³¹ within three years. RAND identifies individuals in the U.S. correctional population as more likely to have learning disabilities, have inconsistent work histories, and have to struggle with reading comprehension. Educational advocates, such as the U.S. Secretary of Education, argue that prisoners need more access to education, starting a pilot project in 2015 to restore access to Pell grants for prisoners (this access was banned during the 1990s surge

in the War on Drugs). Their review of decades of educational programs and their outcomes from across the country led to the conclusion that “every dollar spent on correctional education . . . saves nearly five dollars in reincarceration costs.”

The RAND report notes that nearly all incarcerated offenders will be returning to the community. Isn't it best to return ex-offenders to the community with the enhanced self-esteem and job prospects that education provides? Funding prison education programs is often seen as competing with funding for traditional college and university programs. What do you think the balance should be between these two educational settings?

COMMUNITY CORRECTIONS

More than 6.8 million people were under correctional supervision in the United States in 2014.³² Nearly 5 million of these offenders were supervised in the community on the status of parole or probation, with nearly all jurisdictions having more offenders supervised in the community than in jail or prison. Are there patterns of racial and ethnic disparity present in community corrections? If so, how do they mirror or contrast with institutional correction patterns?

Parole: Early Release from Prison

Parole is a form of early release from prison under supervision in the community. Prison inmates are released to one of two forms of parole: discretionary parole or mandatory parole. The U.S. Department of Justice defines discretionary parole as a decision made by a parole board to “conditionally release prisoners based on a statutory or administrative determination of eligibility,” whereas mandatory parole “occurs in jurisdictions using determinate sentencing statutes. Inmates are conditionally released from prison after serving a portion of their original sentence minus any good time earned.”³³ It is not surprising, therefore, that parole populations are similar in racial and ethnic distribution to federal and state prison populations. In 2014 (Figure 9.3), slightly more whites than African Americans

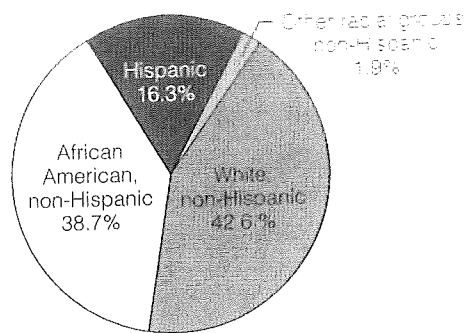


FIGURE 9.3 U.S. Parole Populations by Race and Ethnicity, 2014

SOURCE: Thomas Bonczar, Bureau of Justice Statistics. (Count of yearend parole population by race/Hispanic origin). Computed with known race from table generated using the Corrections Statistics Analysis Tool (CSAT)–Parole Release (2016). www.bjs.gov.

were released on parole (42.6 percent compared to 38.7 percent). The percentage of the parolee population that is African American has declined over the past 15 years from 45 percent in 1995. Hispanics make up 16.3 percent of parolees. While African Americans and Hispanics are still overrepresented in parole populations compared to their presentation in the population, the proportions of parolees that are African American and Hispanic are not dramatically different from the percentages of incarcerated inmates that are African American and Hispanic.

Recent research by Kathryn D. Morgan and Brent Smith examining parole decision making in one southern state found that the significant predictors for setting the parole hearing were seriousness of the original offense, time served, total disciplinary reports, and recommendations from the institutional parole officer; granting the release decision was significantly impacted only by prior personnel recommendations.³⁴ Race did not have a direct impact on either decision, when controlling for the expected legal/institutional variables. This finding is similar to the sentencing research (Chapter 7) that finds that legal variables are the strongest predictors of a decision to incarcerate and length of prison sentence. However, as suggested in the works of Marjorie S. Zatz and Cassia Spohn, the interaction of race with these decision-making factors is also important to consider.³⁵ When partitioning the sample, Morgan and Smith found little evidence of racial patterns in the influences on the parole release decision, but the eligibility for parole release decision does suggest that time since last disciplinary report may have an impact for African-American inmates but not for white inmates.

In an analysis of parole timing decisions in one state, Beth M. Huebner and Timothy S. Bynum look at the impact of race in combination with a number of institutional factors.³⁶ Their analysis found that parole board members were influenced by “measures of the current offense, institutional behavior, and the official parole guidelines score.” In addition to these institutional/legal factors, race emerged as a direct and indirect predictor of the parole timing decision. In short, African-American “offenders spent a longer time in prison awaiting parole compared with white offenders, and the racial and ethnic differences were maintained

net of legal and individual demographic and community characteristics” and “increases with time.” Huebner and Bynum place these decisions by the parole board members in a familiar theoretical context: they characterize the parole decisions as being influenced by members’ perceptions of how the dangerousness of the typical black male drug offender impacts community safety (focal concerns theory and perceptual shorthand were discussed in Chapter 7). Additionally, they draw on social context of the social threat perspective (Chapters 2 and 3) and the legal organizational context (legal variables having the most influence on decision making, Chapter 7) to discuss their findings.

Success and Failure on Parole

A parolee “succeeds” on parole if he or she completes the terms of supervision without violations. A parolee can “fail” in one of two ways: by being arrested for another crime or by violating one of the conditions of parole release (using drugs, possessing a weapon, violating curfew, and so on). In either case, parole authorities can revoke parole and send the person back to prison.

Parole revocation, therefore, is nearly equivalent to the judge’s power to sentence an offender in the first place because it can mean that the offender will return to prison. The decision to revoke parole is discretionary; parole authorities may choose to overlook a violation and not send the person back to prison. This use of discretion opens the door for possible discrimination.

The average length of stay on parole is 22.7 months. In 2015, 53 per 100 parolees exited parole successfully.³⁷ This number is lower than the 69 per 100 parolees from 2008, but is due to the longer stay on parole, as the revocation rate to prison has declined over this period from 24 to 14.

Most parolees are released from state prisons. Currently, nearly 80 percent of persons sentenced to prison will be released to parole supervision rather than simply being released at the expiration of their sentence. Recent data indicate that 42 percent of all parolees at the state level successfully completed parole. The success rate varied somewhat by racial/ethnic groups: 40.0 percent of whites, 39.0 percent of African Americans, 50.6 percent of Hispanics, and 42.2 percent of other races. The percentage of parole violators by race within one study year indicates that the majority of those violating parole were African American (51.8 percent), with whites representing less than one-third of violators (27.5 percent) and Hispanics representing approximately one-fifth of violators (18.3 percent).³⁸

A small number of federal inmates are still eligible for parole consideration. Recent data on federal parole reveal that approximately 78 percent of federal parole discharges were from successful completion of parole conditions. Once again, these rates vary by minority group status. Whites and other races had the highest successful completion rate of 76 percent, followed by Hispanics at 68 percent and African Americans with the lowest at 53 percent. Similarly, African Americans had the highest return-to-prison rates (36 percent), with all other groups exhibiting a return rate of lower than 20 percent.³⁹ (See Box 9.3 for a discussion of supervision of people on parole in the community.)

Box 9.3 Supervision in the Community: An Uneven Playing Field?

Both parole and probation involve supervision in the community under a set of specific provisions for client behavior. One of the most common provisions is the requirement of employment. Not being able to attain or retain employment may lead to a violation of supervision conditions and unsuccessful discharge of an individual from probation or parole. Essentially, a person could be sent to prison for being unemployed. It is possible that the employment provision creates uneven hardships for minorities. In 2010 the unemployment rate for U.S. citizens, regardless of race, was 5.2 percent. This rate, of course, varies by race and ethnicity: the rate for whites lower than the average at 4.6 percent; Asians at 3.8 percent; Hispanics at 6.1 percent; and African Americans at 9.0 percent. Unemployment⁴⁰ rates also vary by age and gender; male youth between the ages of 16 and 24 have higher unemployment rates than the general population. Young males (16–19 years of age) have unemployment rates two to three times higher than the national average, with the highest unemployment rates found for young African-Americans males at 32.7 percent and young white males at 15.9 percent; the lowest was for young Hispanic males at 14.0 percent. In short, ethnic- and race-specific unemployment rates vary substantially, showing the disadvantaged status of minorities in the labor market. If employment is a nearly universal expectation for probation and parole, does this aspect of the general economy adversely affect defendants and inmates of color when judges make decisions about who is suitable for probation or when parole boards make decisions about who is suitable to be granted parole? If yes, could this be seen as a form of institutional discrimination? (See Chapter 1 for discussion of types of discrimination.)

Probation: A Case of Sentencing Discrimination?

Probation is an alternative to incarceration, a sentence, by a judge, to supervise in the community. The majority of all the people under correctional supervision are on probation, totaling more than 3.9 million people.

The racial demographics in Figure 9.4 for 2014 offer a picture of probation population with race and ethnicity. These figures indicate that non-Hispanic African Americans are overrepresented (30.3 percent) in the probation population relative to their presence in the general population. Correspondingly, non-Hispanic whites are underrepresented at 53.5 percent of all probation and Hispanics are represented at roughly the same as their representation in the population (13 percent).

It is immediately apparent that the racial disparity for probation is not as great as it is for the prison population, however. Given that probation is a less severe sentence than prison, this difference may indicate that the advantage of receiving the less severe sentence of probation is more likely to be reserved for whites. In a study of sentencing in California, Joan Petersilia found that 71 percent of whites convicted of a felony were granted probation, compared with 67 percent of African Americans and 65 percent of Hispanics.⁴¹ Similarly, Spohn and colleagues found that in “borderline cases” in which judges could impose either a long probation sentence or a short prison sentence, whites were more likely

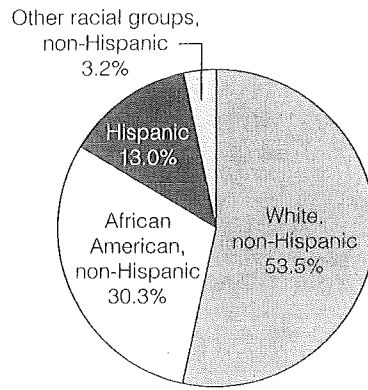


FIGURE 9.4 U.S. Probation Population by Race and Ethnicity, 2014

SOURCE: Thomas Bonczar, Bureau of Justice Statistics. (Count of year end probation population by race/Hispanic origin). Computed with known race from table generated using the Corrections Statistics Analysis Tool (CSTAT)—Probation (May 1, 2016). www.bjs.gov.

get probation and African Americans were more likely to get prison. (See the discussion of discrimination in sentencing in Chapter 7 and Figure 9.4.)

Being on probation can result in revocation, adjudication, and early discharge completion of the sentence. Steinmetz and Henderson⁴² find that while the most important predictors of probation revocation were risk and need scores, being African American negatively impacted probation success. This finding was significant, revealing an enhanced likelihood of revocation and adjudication, with a corresponding decreased likelihood of early discharge compared to Hispanic and white probationers. Extending their analysis to include race and gender, they found that African-American men were significantly more likely to receive revocation and adjudication. This research suggests a “racialized reality” in the probation setting. The authors suggest a link to the media-infused image of the “criminalblackman” proposed by Russell and discussed in Chapter 3. The relationship between Hispanic and probation outcomes was less straightforward. Being Hispanic did not impact adjudication, but did decrease the likelihood of early release and increase the likelihood of revocation.

Community Corrections: A Native American Example

The phenomenon of drug courts in American criminal justice emerged in the late 1980s. Primarily, these specialized courts emerged in response to the growing concern over drug-related cases that were clogging the courts and filling up our jails and prisons and the perception that traditional “War on Drugs” strategies of attacking supply and incarcerating users to control demand was not producing the desired results.

The Drug Courts Program Office of the U.S. Department of Justice defines the drug court approach as departing “from the standard court approach by systematically bringing drug treatment to the criminal justice population entering

the court system . . . In the drug court, . . . treatment is anchored in the authority of the judge who holds the defendant or offender personally and publicly accountable for treatment progress." Essentially, local teams of judges, law enforcement officials, prosecuting attorneys, defense attorneys, probation officers, and treatment providers are using "the coercive powers of the court to force abstinence and alter behavior with a combination of intensive judicial supervision, escalating sanctions, mandatory drug testing, and strong aftercare programs."⁴³

Starting in 1997, attempts have been made to adapt the drug court curriculum to tribal court settings. Currently, more than 120 programs exist to serve juvenile and adult offenders across the country. A number of adaptations need to be made to incorporate the drug court model to the tribal court setting, but the basic philosophy of therapeutic jurisprudence is a strong complement to many elements of indigenous justice philosophy. First, the naming of drug courts has undergone a transition to the title of "Tribal Healing to Wellness Courts." This renaming and the subsequent adaptation of procedures are designed to meet the cultural needs of individual Native communities and the long-established traditional Native concepts of justice and community healing resources.

The Tribal Law and Policy Institute (TLPI) notes that the "Tribal Healing to Wellness Courts return to a more traditional method of Justice for Indian people by (1) creating an environment that focuses on the problems underlying the criminal act rather than the acts itself and (2) stressing family, extended family, and community involvement in the healing process." In short, advocates argue that the Tribal Healing to Wellness Courts are "a modern revitalization of Native principles of Justice—truth, honor, respect, harmony, balance, healing, wellness, apology or contrition, restitution, rehabilitation and an holistic approach." The hope is that the court will function to "restore harmony and balance to individuals, the families and the communities which have been devastated by alcohol and drug use."⁴⁴

TPLI established and published 10 key components of the Tribal Healing and Wellness Courts.⁴⁵ In short, Wellness Courts are an innovative and collaborative process that involve a number of tribal members in the healing process, including tribal elders and medicine men, to accomplish the goals of treatment and community service. Usually, part of the treatment component is the mandatory attendance at community activities reflecting traditional, cultural heritage values. Such activities include "traditional healing ceremonies, talking circles, peacemaking, sweats, sweat lodge, visits with medicine men, sun dance and vision quest," depending on the practices of the individual Native community. Beyond the typical community service requirement of drug courts are the requirements of spending time with elders, tribal storytellers, or both.

All of the methods and procedures adopted by Tribal Healing to Wellness Courts are firmly grounded in traditional dispute resolution mechanisms and traditional spiritual components to promote healing to wellness. The most common issue dealt with in the Tribal Courts is the problem of alcohol abuse; however, methamphetamine use is a growing concern. Records indicate that more than 90 percent of the criminal cases that come before tribal courts have an alcohol or substance abuse component. The substance abuse issues are present not just for

some adults but also for some children, so some tribes have adopted courts for both groups. Juveniles also have the problem of inhalant use.

The main component of the Wellness Court is treatment and rehabilitation; these actions are supplemented by intensive supervision (including drug testing) and incentives and sanctions.⁴⁶ Incentives mark the successes of participants in tangible and meaningful ways to reinforce healthy pathways, while sanctions are recognized to have negative side effects and must be administered with adequate treatment resources. The best practices for sanctions include the traditional deterrence elements of certainty and speed, but should reflect flexibility for each participant and be coupled with the principle of second chances.

The development of the Tribal Healing to Wellness Courts is often limited by the sentencing authority granted to the tribal courts. These courts have limited jurisdiction to nonmajor crimes on tribal lands and limited influence in off-reservation crimes. The TLPI notes, however, that some Wellness Courts have agreements with state court systems to transfer jurisdiction to them when tribal members are involved in substance-abuse-related offenses.

FOCUS ON AN ISSUE

Collateral Consequences: Civil Rights of Convicted Felons

Individuals convicted of felonies and misdemeanors in the United States may experience a range of sentences from incarceration to probation. Such sentences in effect limit the civil rights of the convicted. No longer do we live in a society that views the convicted felon from the legal status of civil death, literally a slave of the state, but some civil rights restrictions endure after the convicted offender serves a judicially imposed sentence. *Collateral consequences* is a term used to refer to the statutory restrictions imposed by state and federal legislative bodies on a criminally convicted person's rights. Such restrictions vary by state but include restrictions on employment, carrying firearms, holding public office, access to public benefits, and voting.

Disqualification from public benefits includes public housing, welfare benefits (such as food subsidies for children), and job training. The 1996 Personal Responsibility and Work Opportunity Act (Welfare Reform Act) requires a lifetime ban

on welfare benefits for people convicted of state or federal drug offenses.⁴⁷ This includes the Supplemental Nutritional Assistance Program (SNAP) and Temporary Need to Needy Families (TANF). Since its enactment, many states have modified this ban to alleviate this restriction; however, 37 states enforce this ban in whole or in part. Some states allow for restoration of benefits with completion of drug treatment. While these policies have an impact on men and women, there is a disproportionate impact on women of color (see discussions on the War on Drugs disproportionate impact on African-American women in earlier chapters). While self-report drug use surveys indicate few racial differences in patterns of drug use, a substantially higher proportion of African-American men and women are in prison for drug crimes, compared to whites and Hispanics.⁴⁸

Convicted felons have reduced access to federal loans as well. This includes federal student loans, mortgage assistance

loans, and disaster assistance loans. (See <http://www.abacollateralconsequences.org> for more details.) Having a felony conviction can also impact veteran's benefits; however, the rules are complicated, as some incarcerated veterans may still have access to funds to support their families.

The Sentencing Project highlights the negative nature of restricting the rights of convicted felons to vote.⁴⁹ Nationally, an estimated 5.8 million Americans are denied the right to vote because of laws that prohibit voting by people with felony convictions. Across the country, felony disenfranchisement is an obstacle to participation in democratic life that is exacerbated by racial disparities in the criminal justice system, resulting in an estimated 1 in every 13 African Americans have lost their voting rights (the rate is 1 in 56 for nonblacks of voting age). This percentage varies by state. In Florida for example, nearly one in every four African Americans is disenfranchised from voting in every election from the local school board to the presidency.

Forty-eight states and the District of Columbia restrict the rights of imprisoned people to vote. Conversely, Vermont and Maine, however, allow incarcerated offenders to vote. Roughly two-thirds of states also restrict the voting rights for offenders on parole and probation.⁵⁰ In most states the right to vote can be restored (automatically or by petition) after completion of the sentence (or within a fixed number of years). Restoration procedures can vary from state to state and seem cumbersome to ex-offenders. In some states, the ex-offender has his/her voting rights restored

automatically after two years, but in other states the ex-offender has to apply to the Pardons Board for reinstatement.⁵¹ In recent years voting rights have been restored in some states and then taken away again as the Legislature or Executive branch electoral changes (see Florida, Iowa, and Virginia). Maryland, however, has instituted an automatic restoration policy after the completion of the original sentence. In 2003 the state of Alabama required ex-offenders to provide a DNA sample to the Alabama Department of Forensic Sciences as part of the process of regaining the right to vote.⁵²

Additional restrictions on convicted felons were created with the passage of the USA PATRIOT Act. Under these provisions, ex-offenders are unable to attain certain commercial driver's licenses and are banned from transporting materials designated as hazardous waste. The federal government also prevents convicted felons from obtaining government contracts and prevents businesses with government contracts from hiring convicted felons (such as fast-food franchises and moving companies operating on military bases).

Do you support returning access to welfare benefits, access to financial aid, and voting rights to ex-offenders? Would restoring such rights lead to more successful offender reentry? Boost self-esteem? Increase the ability to be a good parent? Would restoring the right to vote to Americans with criminal records impact presidential elections? Should convicted offenders be allowed to earn back their right to vote as recognition of their efforts at rehabilitation?

Box 9.4 Additional Explanations for the Racial Distribution of U.S. Prison Populations

Historically, some have argued that prison replaced the social control of slavery in the South after the end of the Civil War. Given the criminalization of vagrancy and the operation of the convict lease system, a *de facto* slavery system was invoked on those African Americans who did not leave the South and who refused to offer their labor to former plantation owners who needed it.⁵³

Others have argued that prison has always been used to supplement the needs of capitalism as a mechanism to control surplus populations in times of high unemployment. Specifically, African-American males, who have the highest unemployment rates, have been viewed as socially dangerous surplus populations.⁵⁴

In a similar attempt to look past systematic racial discrimination in the criminal justice system, researchers have begun to explore the intricacies of contextual discrimination. A review by Theodore G. Chiricos and Charles Crawford reveals that researchers have started to study the social context's impact on the racial composition of imprisonment rates by investigating such issues as the population's racial composition, the percentage of unemployed African Americans, and the region.⁵⁵ The first two issues reflect the theoretical argument that communities and thus decision makers will be apprehensive under certain conditions and become more punitive.

Specific conditions of apprehension (or threat) may be related to racial mass. For example, large concentrations of African Americans will be associated with a higher fear of crime and a need to be more punitive. Raymond J. Michalowski and Michael A. Pearson found that racial composition of African Americans in a state was positively associated with general incarceration rates. However, the impact of racial composition on race-specific incarceration rates is less clear.⁵⁶ Hawkins and Hardy discovered that states with smaller percentages of African Americans were associated with more racial disparity in incarceration rates that could be accounted for by arrest rates.⁵⁷ In contrast, Bridges and Crutchfield found that states with higher percentages of African Americans in the general population were associated with lower levels of racial disparity in incarceration rates.⁵⁸ Miriam DeLone and Theodore Chiricos argue that this inconsistency is the result of an improper level of analysis. They argue that looking at state-level imprisonment and racial composition rates can be deceiving. The proper level of analysis is the level of the sentencing court. In their study of county-level incarceration rates, they found that higher levels of African Americans led to higher levels of general incarceration and African-American incarceration rates.⁵⁹

Race-specific unemployment rates reflect the idea that idle (or surplus) populations are crime prone and in need of deterrence. This line of reasoning requires more punitive response, with higher incarceration rates when the perceived crime-prone population is idle. Generally, this "threat" is measured by the unemployment rate of the perceived crime-prone population—young, African-American males. DeLone and Chiricos have found that at the county level, high unemployment rates of young African-American males are not associated with higher general incarceration rates but are predictive of higher incarceration rates of young African-American males.⁶⁰

In the context of the war on drugs, some have argued that the increasing African-American male prison populations is a response to a moral panic about drugs that stems from the association of crime and drug use with this population almost exclusively.⁶¹ Data on drug use (from Chapter 2) indicate that all racial groups use and abuse drugs at very similar levels. What do you think?

Adjustment to Prison

Research on the adjustment of men to life in prison has been available for many years, beginning with Donald Clemmer's *The Prison Community* and including Gresham Sykes's *The Society of Captives* and John Irwin and Donald Cressey's "Thieves, Convicts, and Inmate Culture."⁶² James B. Jacobs argues that without exception these studies disregarded the issue of race, although the prison populations in the institutions under study were racially diverse.⁶³ Consequently, according to Jacobs, the prevailing concept of the "prison subculture" needs to be revised. Jacobs further argues that race is the defining factor of the prison experience. Racial and ethnic identity defines the social groupings in prisons, the operation of informal economic systems, the organization of religious activities, and the reasons for inmate misconduct. In other words, white inmates tend to associate with white inmates, African-American inmates associate with African Americans, and so on. In this respect, the racial and ethnic segregation in prison mimics society on the outside.

Goodstein and MacKenzie support Jacob's observations and argue that their own "exploratory study of race and inmate adjustment to prison demonstrates that the experience of imprisonment differs for African Americans and whites."⁶⁴ They report that although African Americans may develop more antiauthoritarian attitudes, and are more likely to challenge prison officials, they appear to have fewer conflicts with fellow inmates.

Kevin N. Wright explored the relationship between "race and economic marginality" to explain adjustment to prison.⁶⁵ He explored the apparently common-sense assumption that African Americans, because of their experience in the "modern urban ghetto" (see information on the underclass in Chapter 3), will be more "resilient" to the pains of imprisonment. He found that "ghetto life supposedly socializes the individual to engage in self-protection against the hostile social environment of the slum and the cold and unpredictable prison setting." Using multiple indicators of adaptation to the prison environment, Wright found that although economic marginality does appear to influence the ease of adjustment to prison, this appears to be the case regardless of race.

Other research on male prison populations also indicates that race may not always explain institutional behavior. Research on the effects of race on levels of institutional misconduct reveals an inconsistent picture. Although some researchers find nonwhites overrepresented in inmate misconduct, Joan Petersilia, Paul Honig, and Charles Hubay's study of three state prison systems found three different patterns in relationships between race and rule infractions.⁶⁶ In Michigan there was no relationship between race and rule infractions; in California whites had significantly higher rule infractions; and in Texas, African Americans had significantly higher rule infractions.

Timothy Flanagan finds similarly inconsistent results. He argues that inmates' age at commitment, history of drug use, and current incarceration offense are most predictive of general misconduct rates.⁶⁷ He does, however, find that race is an important predictor for older inmates with no drug history and sentenced for an offense other than homicide. Flanagan recommends that race (among other predictors) is a variable that is inappropriate to use in assisting with the security classification of inmates as a result of its low predictive power in relation to institutional misconduct.

Research of federal prison inmates by Miles D. Harer and Darrell J. Steffensmeier offers support for the importation model of prison violence, indicating that African-American inmates are significantly more likely to receive disorderly conduct reports for violence than white inmates, but they are more likely to have lower levels of alcohol and drug misconduct reports than whites.⁶⁸ This picture reflects the differential levels of violence and drug behavior between African

FOCUS ON AN ISSUE

Mortality in Prisons and Jails

Inmate mortality rates are available for state prison and local jail populations.⁶⁹ For all causes, regardless of race, the average annual mortality rate, 2000–2013, was 137 per 100,000 inmates on average per year in jail and 255 per 100,000 inmates die on average in prison per year. The average annual figures from 2000 to 2013 indicate that there are significant racial/ethnic differences for all causes combined, as well as for suicide rates, with few differences for homicide rates. Both suicide and homicide rates have declined steadily since the 1980s and are stable over the past 10 years. Currently, the rates for suicide are 41 and 16 per 100,000 inmates (jail and prison, respectively), with the rates for homicide at 3 and 5 per 100,000 inmates (jail and prison, respectively). These data also reveal that the highest average mortality rates among jail and prison inmates are due to illness.

Suicide rates are substantially higher on average for whites in jail and prison than for African-American inmates (80 per 100,000 jail inmates and 16 per 100,000 prison inmates, respectively, compared to 25 per 100,000 jail inmates and 8 per 100,000 state inmates, respectively). Hispanic inmates have on average a somewhat lower suicide rate than whites (25 per 100,000 jail inmates and 16 per 100,000 prison inmates) but higher than for African-American inmates.

The homicide rate average from 2000 to 2013 in local jails was reported at 3 per

100,000 population and does not vary across racial/ethnic groups. However, the homicide rates for state prison inmates are higher than the average overall rate of 5 per 100,000 population for Hispanics (6 per 100,000 inmates) and less than the overall rate for African-American inmates (3 per 100,000 inmates). The average overall homicide rate for Hispanic inmates is equal to the overall rates of 5 per 100,000 population.

As noted above, mortality rates are highest among the incarcerated populations examined for illness-related causes. As jail populations differ from prison populations in composition, specifically in relation to length of stay, we see differences in illness-related mortality rates by setting and by race. Jails house suspected offenders awaiting arraignment and trial, as well as convicted offenders sentenced to less than one year. Typically, prisons hold convicted offenders with sentences longer than a year. The highest average illness mortality rate, in jails, is from heart disease for all races, followed by AIDS-related deaths for African Americans, and cancer and liver disease related deaths as the next most common causes for white inmates. In prisons the highest average overall mortality rate for inmates is from cancer. However, this aggregate number obscures the fact that this observation only holds for whites and Hispanics. The highest average mortality rate for African-American inmates is