

The Washington Post

A Racial Shift in Drug-Crime Prisoners

Fewer Blacks and More Whites, Says Sentencing Project

By Darryl Fears
Washington Post Staff Writer
Wednesday, April 15, 2009; A04

For the first time since crack cocaine sparked a war on drugs 20 years ago, the number of black Americans in state prisons for drug offenses has fallen sharply, while the number of white prisoners convicted for drug crimes has increased, according to a report released yesterday.

The D.C.-based Sentencing Project reported that the number of black inmates in state prisons for drug offenses had fallen from 145,000 in 1999 to 113,500 in 2005, a 22 percent decline. In that period, the number of white drug offenders rose steadily, from about 50,000 to more than 72,000, a 43 percent increase. The number of Latino drug offenders was virtually unchanged at about 51,000.

The findings represent a significant shift in the racial makeup of those incarcerated for drug crimes and could signal a gradual change in the demographics of the nation's prison population of 2 million, which has been disproportionately black for decades. Drug offenders make up about a quarter of the prison population.

The Sentencing Project report and other experts said the numbers could reflect several factors, including an increased reliance by prosecutors and judges on prison alternatives such as drug courts and a shift in police focus to methamphetamines, which are used and distributed mostly by white Americans. In addition, the report said, crack use and arrests have declined steadily since the 1990s.

The report relied heavily on data compiled by the federal Bureau of Justice Statistics and covered six years, ending in 2005, the last year the bureau broke down the state prison population by race and drug offense.

Maryland and Virginia authorities said the racial breakdown of prisoners incarcerated in their states for drug offenses was not available. But the racial makeup of their overall prison populations had not changed significantly over that period, they said.

African American drug offenders, who have been convicted most often for dealing and possessing crack cocaine, still made up a disproportionate share of drug offenders in state prisons, 45 percent in 2005. That was down from nearly 58 percent in 1999. Black Americans

make up about 12 percent of the U.S. population.

The number of white drug offenders in state prisons rose from 20 percent to 29 percent, and Latino prisoners made up 20 percent of such inmates.

"I have no doubt that crystal meth explains some of the white increase, but I'm not ready to say it's the reason for all of the white increase," said Marc Mauer, executive director of the Sentencing Project, which opposes stiff penalties for nonviolent drug crimes. "It's also hard to imagine that [drug courts] are not having some effect. Most drug courts are in urban areas where African Americans live."

Twenty percent of white inmates used methamphetamines in the month before they were arrested, compared with 1 percent of black inmates, according to interviews conducted in the nation's 14,500 state prisons and 3,700 federal prisons.

Drug courts offer nonviolent offenders the option of undergoing rigorous substance-abuse treatment and criminal rehabilitation or going to jail. There are more than 2,000 such courts in operation, mostly in cities with large black communities ravaged by violence associated with crack cocaine. White offenders also are increasingly winding up in drug courts for abusing methamphetamines.

Mauer also hypothesized that drug dealers might have shifted from open-air crack cocaine markets to dealing indoors, making them harder for police to catch. And he speculated that because so many African American men have been incarcerated, there are fewer on the street to be arrested.

But James E. Felman, co-chairman of the Sentencing Committee for the American Bar Association, said that in Tampa, where he practices law, black suspects are still being regularly arrested on crack cocaine charges and being handed out long sentences.

"I can't second-guess their study, but I haven't seen a change," Felman said. "Maybe we're getting smarter on crime in some states. That could be part of it."

David B. Muhlhausen, a senior policy analyst for the conservative Heritage Foundation, said stronger police enforcement of methamphetamine trafficking and use, coupled with treatment options mostly for urban crack cocaine offenders, probably caused the shift. "There is some data out there that suggests that drug courts and drug treatments reduce recidivism," he said. "If you take the less serious offenders and put them into programs other than prison it would be a benefit to society."

The war on drugs began in 1986, when Congress passed the Anti-Drug Abuse Act to combat violence associated with the crack cocaine trade. Lawmakers were prompted by the death of University of Maryland basketball player Len Bias, who they mistakenly thought had died from ingesting crack. Bias overdosed on powder cocaine.

Last year, then-Sen. Joseph R. Biden Jr. (D-Del.) joined several of his colleagues in saying that his support for the legislation was a mistake. The law contributed to the incarceration of more than a half-million people in state and federal prisons for drug offenses, compared with the 40,000 jailed for the same offenses in 1980.

According to a report by the Bureau of Justice Statistics last year, 7.2 million people are under prison supervision, as inmates, parolees and probationers, at a cost of about \$45 billion per year.

California, which has one of the nation's largest prison populations, farmed out 170,000 inmates to private prisons in as far away as Tennessee in 2006 to relieve costs and has relaxed its penal code to relieve prison overcrowding.

Jeffrey L. Sedgwick, a former director of the Bureau of Justice Statistics, said the record incarceration might be worth the cost. "As the number of people under correctional supervision goes up, crime goes down," he said. Conservative estimates put the annual cost of violent crime at about \$17 billion, Sedgwick said.
