

Violence and Illicit Drug Use in America: The Mass Incarceration of African American Males

Arthur Horton*

Lewis University, One University Parkway Drive Romeoville, IL, USA

Illinois, Cook County State's Attorney Anita Alvarez will not prosecute anyone caught with less than 30 grams of marijuana on the first or second offense. However, offenders who show up in court a third time will be sent to drug school.

"What we are doing is simply not working," Alvarez said Monday morning. She said the county is spending too much money and time cycling offenders in and out of the system. Starting now, offenders charged with a low-level marijuana felony will be routed to an alternative prosecution program. She said she wants to offer "treatment instead of traditional prosecution."

Offenders hit with a Class 4 felony who have a non-violent history will be routed to social service agencies for drug abuse treatment. Satisfy the program, and the charges are dropped.

"In drug school, the success is phenomenal. Ninety-percent of the people complete it and around 85-percent do not have further drug arrest," Pam Rodriguez, Treatment Alternatives for Safe Communities (TASC) CEO said. TASC refers roughly 2,000 drug offenders a year for community-based treatment. With Monday's change in policy, that number could double or triple at a time when funding is being cut. Prosecutors said the Affordable Care Act could help, and that money will be saved by sending fewer people to jail.

"I am not promoting any drug use. I am not promoting legalization of anything," Alvarez said. "We have to ask ourselves are we being smart here? Are we giving people services they need? Or are we going to continue processing these cases?"

Many communities have already moved to decriminalize marijuana possession by issuing tickets instead of filing criminal charges in low level cases. Alvarez said those tickets will count as an arrest and offenders will still have to pay fines.

To white, middle class America, childhood is supposed to be a time of learning, self-discovery, and play. Their vision, however, does not extend to all of America's youth. For many children—especially teenagers—of color, their existence are met by official suspicion and repression [1]. At school and on the streets, their activities are criminalized; a situation which is often compounded with discrimination in the juvenile justice system. Although the sum of these social forces is the disruption of entire communities and perpetuation of racial disparities, political inertia, media distortions, racism and structural limitations of America's post-industrial economy are blocks to important reforms. I cite Amos N. Wilson: "As a result of White American communal repression and projective stereotyping of the African American community, some segments of the African American community may actually assume a malevolent, anti-social, self-destructive character. Thus, it reaps both primary and secondary benefits from its own created illnesses." They call it "O Block." It's a notorious stretch of South Side real estate known for violence.

On maps, it's the 6400 block of South Dr. Martin Luther King Jr. Drive. But it's just O Block to people there and in frequent references to the street in the blood-drenched lyrics of Chief Keef and other Chicago rappers. The sprawling Parkway Gardens low-income apartment

complex sits on one side of the street. A string of businesses including an Auto Zone, a food mart and the Chicago Crusader newspaper lines the other. Gang members gave O Block the name. The O was for 20-year-old Odee Perry, a gang member gunned down just around the corner on a summer's night in 2011 [2-5]. His killer? A female gang assassin, police sources say. She later was shot to death not far from here. Perry was one of 19 people shot on O Block between June 2011 and June 2014. That makes it the most dangerous block in Chicago in terms of shootings in that three-year period, a Chicago Sun-Times analysis has found.

Two of the victims were killed. None of the shootings has resulted in criminal charges. And none of the weapons has been recovered.

Despite the violence, things are actually better now around O Block than they've been, the police and politicians say. They point to figures that show most of the shootings on O Block the past three years happened in the first two years of that span and that no one has been shot to death in two years.

Shootings are also down in the general area. O Block sits in the midst of the Chicago Police Department's Beat 312, which stretches east from the Dan Ryan Expressway past Cottage Grove, roughly between 63rd and 65th streets. Since 2012, the number of shootings in Beat 312 is down by 59 percent through September, the police say. In an effort to curb the violence, more officers have been assigned to patrol the area on foot and in cars, focusing on an "impact zone," drawn up in February 2013, of five square blocks with O Block near the middle. Ten veteran officers patrol the zone, along with additional officers fresh out of the police academy. "There is progress being made in the beat and the whole district," says Robert Tracy, chief of crime-control strategy for police Supt. Garry McCarthy.

Ald. Willie Cochran (20th), a former police sergeant whose ward includes O Block, says the police have sent a message to gangs that the shooting must stop. "The gangbangers have listened," says Cochran, whose 26 years as a cop included time patrolling O Block and the surrounding area. "They have cooperated."

But the shootings, while down, haven't stopped. A little past 9 in the morning on Oct. 23, young kids from the neighborhood were safe in their classrooms at Dulles elementary school, a block north. But on

***Corresponding author:** Arthur Horton, Lewis University, One University Parkway Drive Romeoville, IL, USA, Tel: 815-836-5314; Fax: 815-836-5314; E-mail: ahorton756@aol.com

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O Block, yellow police tape marked the scene of another shooting. It had been going on all night long, according to people at the Parkway Gardens apartments, where popular rapper Chief Keef used to hang out. New York's stunning decline in violent crime coincided with new policing strategies in the 1990s that tracked crime hot spots, flooded problem neighborhoods with cops and put pressure on commanders to bring their communities under control. Meanwhile, unlike in Chicago's segregated neighborhoods on the South and West sides, many of New York's communities have seen an influx of new people and money, either through gentrification or immigration, that has discouraged criminal elements from returning.

After Los Angeles made national headlines for its gang-fueled violence, police there embarked on a new strategy aimed at improving relations with citizens in the hardest-hit communities where anti-police sentiment was widespread. Former gang members are now used to broker peace; detectives talk with neighborhood leaders and crime victims at anti-violence meetings; and community patrol officers hit the street with a mandate to improve community relations. In an interview with the Tribune, Chicago police Superintendent Garry McCarthy said he's already adopted several initiatives that were successful in Los Angeles and New York, but the results have so far been mixed. He also blamed lax state gun laws and lenient penalties for illegal gun carriers as one of the main frustrations in trying to reduce violence in Chicago [6]. Experts have long linked crime in Chicago to its history of entrenched segregation, which has left generations of families mired in poverty and hopelessness. "It makes the gang problem almost impossible to solve because you can't compete with what the gangs can offer these folks," said William Sampson, a sociology professor at DePaul University.

From my perspective, the most recent effort to reduce gang-related activities does not focus on prevention with only minimal funding and as critics appropriately argue is not predicated on evidence-based interventions. Additionally, there are deeper issues that have to be confronted (1,2,3,4,6,7,8,9 and 10).

Some Statistics:

- In 2008, 22 people were fatally shot by Chicago police
- Most of the victims of police shootings are African-American
- In Chicago, nearly half of the officers sued for shootings had also been sued for previous violations
- Most had been sued at least twice

Ron Hampton, executive director of the National Black Police Association and a retired officer in the Metropolitan Police Department in Washington, D.C., was surprised about the numbers. But he was most surprised about the length of time between each one. "I knew there were some police-involved shootings, but wow, what is going on up there? (Police) are not going to get anywhere with that, in terms of endearing themselves with the community," Hampton said. Hampton said it appears that the Chicago Police Department has employed military-style tactics to get a grasp on the community.

"That is destroying whatever relationship, if they ever had one, with the Black, brown and poor communities in Chicago," he said. During his administration, police Superintendent Jody Weis equipped scores of officers with M4 carbine assault rifles. "(Weis) needs to get a handle on it." It seems like there's a wave [5]. "There's one shooting, and then the next thing you know, there are five or six in a row. Some may be justified, but some may just be an overreaction to what's been going on," Hampton said.

He said police may have a "superficial fear" of the community. "They shoot first, and then ask questions later. What the police have in their favor is shooting first. All they have to justify is stating they were in fear of their life," Hampton said. "There is no such thing as shoot to wound. They are trained to shoot to kill. They are trained to kill in the middle of person's body. All of that trying to shoot the gun out of your hand, that's cowboy stuff you see on TV," he said.

In 2008 Chicago's initial "roundtable" investigations of 85 officers cleared all but one of them – and that officer got a promotion two years later.

Chicago police have fatally shot 70 people over a five-year span as of 2015, tops among departments in the largest U.S. cities. The Chicago victims were nearly all male. Most were black. More than half of the killings happened in six South Side police districts. No other police department in any of the 10 most populous cities killed more people from 2010 through 2014, but Chicago ranks fourth behind Phoenix, Philadelphia and Dallas when the numbers are adjusted for population, according to a Better Government Association analysis of data obtained through interviews and open records requests.

The findings come as law enforcement's use of deadly force comes under intense scrutiny amid highly publicized killings in Cleveland; Ferguson, Missouri; New York, and elsewhere that have triggered a national conversation about policing. In Chicago, an officer was recently acquitted for killing an unarmed woman, the first time a cop has stood trial for a fatal shooting in more than a decade, and the FBI is investigating last year's death of a teen shot 16 times by Chicago police. City officials are quick to point out, however, that police shootings are trending lower this year — officers had fatally shot three people in 2015 as of Friday, July 24, putting the department on pace to record the fewest killings since 2012, when there were a total of eight.

"The real question is, are the shootings appropriate?" says former Los Angeles police officer David Klinger, a professor of criminology and criminal justice at the University of Missouri-St. Louis. "If not, that's where I get concerned." But how that determination is made can be controversial.

Chicago's Independent Police Review Authority, or IPRA, has investigated nearly 400 police shootings — fatal and nonfatal — since 2007 and found only one to be unjustified, though Scott Ando, IPRA's chief administrator, said there are pending investigations "that one would believe will be unjustified." He declined to be more specific.

"Just because it was justified doesn't mean it was necessary," says Peter Moskos, a former Baltimore police officer who is an assistant professor at the John Jay College of Criminal Justice at City University of New York. "Perhaps, it could have been prevented by better training or different tactics."

Chicago Police Supt. Garry McCarthy has publicly credited more training and oversight, as well as officer restraint, for reducing the number of police shootings this year. His news affairs office didn't respond to a request by the BGA to speak with McCarthy.

But in a statement, the department said, "Since 2011, under Supt. McCarthy, the Chicago Police Department has invested in specialized instruction . . . [that] reinforces police officers' skill sets on community building, problem solving and de-escalating tense confrontations.

Police-involved shootings are down by double-digit percentages following the implementation of this unique training." The Fraternal Order of Police, which represents rank-and-file Chicago cops, didn't respond to interview requests.

The BGA obtained data on fatal shootings from departments in the 10 largest U.S. cities by population, through interviews and open records requests. The data includes shootings by on- and off-duty officers. A federal database that tracks police shootings in a timely and comprehensive manner doesn't exist, so there's no simple way to compare the number of police shootings across different cities (Chicago Sun Times July 2015). Chicago police reported killing 70 people from 2010 through 2014, the most of any department the BGA looked at, followed by Phoenix (57); Philadelphia (54); Houston (49); and Los Angeles (47), records show. When adjusted for population, Phoenix was tops with a rate of 3.77 per 100,000 residents, followed by Philadelphia (3.48); Dallas (2.7); Chicago (2.57); and Houston (2.23). New York ranked at the bottom, though that department provided the BGA with data for only four of the five years requested. A police spokesman said 2014 figures weren't available, though the New York Daily News reported last December that New York police had killed 13 people last year. A New York police spokesman could not confirm that figure.

Other notable findings:

- Chicago police shot 240 people from 2010 through 2014, or an average about one per week, according to interviews and records. That was more than other departments examined by the BGA, though Los Angeles, New York and Phoenix provided incomplete data on overall police shootings, or data on fatal shootings only.
- Since 2010, the city of Chicago has paid \$26.7 million to families of victims who were shot and killed by police, according to interviews and records. That includes a \$5 million payment to the family of Laquan McDonald, the teen who was fatally shot 16 times by police last October. An FBI spokeswoman says a criminal investigation of that shooting is ongoing.
- Blacks are about a third of Chicago's population but accounted for at least two-thirds, or 46, of the 70 people killed by police from 2010 to 2014, IPRA records show.
- Forty-one, or 59 percent, of Chicago's 70 fatal shootings, happened in the Calumet, Deering, Englewood, Grand Crossing, Gresham and Morgan Park police districts.

Told of the BGA's findings, Arthur Lurigio, a professor of psychology and criminal justice at Loyola University Chicago, said he wasn't surprised the shootings were concentrated in specific pockets of the city (Chicago Sun Times July 27, 2015) [7].

"The districts where police shootings are the highest are probably the districts where violent and gang crimes are the highest," he says. "In those neighborhoods, police are on higher alert. They're more likely to feel threatened, and there's a greater likelihood they'll react more aggressively."

Last year, the BGA reported that, over a decade, the city spent more than \$500 million on police misconduct-related legal claims, including those involving police shootings. More: 'Tribute basketball game to honor 2 victims of gun violence' Chicago is one of the highest ranked cities in police shootings of individuals, but Illinois leads the nation in per-capita gang members, and Chicago is the only city in the United States to rank in the top five in distribution for heroin, cocaine, marijuana and methamphetamine trafficked by Mexican cartels. In the city, the Chicago Police Department estimates that gangs account for 80% of all murders. Throughout Illinois, gangs are a serious problem and hold back the economic potential of our

communities [8]. In January, 2014, a more than six-month effort to provide law enforcement, prosecutors and local communities with additional funding was signed into law. Congress boosted resources to fight "gangs of national significance" with a total price tag of \$18.5 million. This money was used to combat gangs such as the Gangster Disciples. Such efforts probably will have minimal impact. The American family is the first conditioning agency for the mode of self-identity that leads to aggression. The boys learn very early that if he is to attain real manhood, he must perform and compete much better than girls. To be thought as a "sissy or wimp" is tragic to a male child. By way of toys and games (particularly electronic versions) he is schooled to muscular and psychic aggressiveness. He understands from the start that both his own identity and society's acceptance of him as a man is depends on his being dominant toward and protective of females and successfully competitive toward other males. This becomes more of a challenge to the male since of self-esteem if he most compete with women in the work world or military/Para-military entities. The American family also teaches the violence by direct example, notably father - mother relations. Overt violence on the part of the husbands toward their wives, while not common, is a sizable social reality. In addition to wife-beating there are threats of abandonment, which are especially menacing to women whose socialization has left her without independent means of support. Furthermore, she may be punished or ignored or by having her movement and

her circle of friends limited. The young boy observes these control patterns and incorporates them into his own personality for personal use [9-11]. Again, he sees his father has all the power while his mother is weak and submissive. This experience also creates in him a potentially destructive, aggressive person. He may value the unconditional love of the mother and at the same time reject or even despise her for derivative and dependent status. Later, his own desires for status and adventure may cause him to suppress the affectional dimension in himself to seek power among males.

At the same time, women's resentment at being used gives rise in them to feelings of hostility which may prompt them to manipulate their husbands in devious ways and to exercise over their children a dominance that harms the latter psychologically. These hidden structures of animosity in family life rising from the sexist structure of American culture create a climate of enmity, envy, and suspicion, a training ground for violence. For in such a climate, the roles and expectations of family members degenerate so that none of them can realize personal potential, much less empower others. Feeling psychologically impotent, they lack a sense of self-worth. And psychological and sociological studies have shown, low self-regard tends to lead to aggressive behavior.

What the family began is reinforced in more sophisticated ways in schools. Athletic events, academic grades, examinations are geared to fashion males children into competitors and achievers. Of course, competitiveness does not necessarily conduce to violence. It may be just a rivalry that makes the contest an enjoyable exercise or display of skills. But many schools particularly at the collegiate level indoctrinate the young male with a deadly serious spirit of aggression. He is trained for a confrontation with others in which his own self-identity, self-respect and public acceptance are at stake. He can hardly lose. Winning is everything, even if it means trampling on his fellows. Hostility and violence are tools for removing obstacles on the way to the top. More perhaps than formal schooling, the young male is influenced by peer relationships. Here again a sexist mentality is basic, though it reveals itself in different ways [12]. Among deprived minority

groups for instance, the gang offers the young male a quick road to personal selfhood and social respect in his own group and even in the larger society (gangster rap as an example) that has stacked the deck against him and his peers. A tough stance and acts of violence brings material rewards, a reputation for bravery, and the adulation of some females. For in the gangs, the woman's role is essentially subordinate and derivative; she functions to bolster male toughness and sexual inclinations. The gang reflects in crude miniature fashion some of the impulses that drive the American society. It is a chapter in the long national history of aggressive individualism, frontier lawlessness and the glorification of lawlessness.

Violent crime in the United States is a particularly male phenomenon as further evidenced in domestic violence and rape statistics. The young male torn by doubt about his own sexual capacity, flees from the specter of homosexuality and reassures himself in violent sexual activity. The problem is not that most young males are quite naturally somewhat insecure sexually; rather, it is the domineering, violence-related sexuality that is advocated as the cure. Going into law enforcement for some males may provide a means to repress threatening sexual impulses.

Crime is largely a young man's game, but many prisoners now are old: this the number over the age of 50 has more than tripled since 1994. Many of these people are no longer the young male with a deadly serious spirit of aggression. He is trained for a confrontation with others in which his own self-identity, self-respect and public acceptance are at stake. However, according to a Department of Justice survey of those released from state prisons in 30 states, 77% of those released in 2005 were arrested within five years; more than 40% of the arrests were within a year of release.

Crime is mostly along man's game. And mass incarceration has contributed to the breakdown of working-class families, especially black ones. Among African American aged 25-54 there are only 83 free men for every 100 women, which is one reason why so many mothers raise children alone. The inmates cannot support their off springs and when released many find it hard to get a job. But still America does not need to lock up every violent offender for as long as it does—which is longer than any other rich country. Some 49,000 Americans are serving life without the possibility of ever being released (In England and Wales the number is just 55 (See appendices A and B)). The crack-cocaine epidemic produced of the 80s and 90s the conditions for more punitive policies across the board. "Three strikes" provisions, however minor, and "truth-sentencing" laws which limited the possibility of proliferated. Time served grew dramatically (about average of one year or two decades. According the Economist (June 20th, 2015) if prison is to be less of a part of American life, the philosophy behind them must change. Reform in police work must have prevention as a goal as well as to react to it pertaining to violence and/or illicit drugs being marketed. From my perspective [13].

An issue never addressed due to massive communal denial is the mental health of those who became the objects of the mass incarceration phenomenon. On any given night, Cook County Jail in Chicago houses a couple of thousand people diagnosed as mentally ill, a situation that the county's sheriff, Tom Dart, has described as "an abomination". Rikers Island prison in New York has become notorious for its guards beating up inmates with mental disorders. But life for mental health patients can be violent outside too: the National Sheriff's Association estimates that more than 400 people shot and killed by the police in America every year are mentally ill.

In conclusion, the basic facts are not in dispute. More than 2.2 million people are currently incarcerated in US jails and prisons, a 500 percent increase over the past forty years. Although the United States accounts for about 5 percent of the world's population, it houses nearly 25 percent of the world's prison population. The per capita incarceration rate in the US is about one and a half times that of second-place Rwanda and third-place Russia, and more than six times the rate of neighboring Canada. Another 4.75 million Americans are subject to the state supervision imposed by probation or parole.

Most of the increase in imprisonment has been for nonviolent offenses, such as drug possession. And even though crime rates in the United States have declined consistently for twenty-four years, the number of incarcerated persons has continued to rise over most of that period, both because more people are being sent to prison for offenses that once were punished with other measures and because the sentences are longer [14]. For example, even though the number of violent crimes has steadily decreased over the past two decades, the number of prisoners serving life sentences has steadily increased, so that one in nine persons in prison is now serving a life sentence.

And whom are we locking up? They are mostly young men of color. Over 840,000, or nearly 40 percent, of the 2.2 million US prisoners are African-American males. Put another way, about one in nine African-American males between the ages of twenty and thirty-four is now in prison, and if current rates hold, one third of all black men will be imprisoned at some point in their lifetimes. Approximately 440,000, or 20 percent, of the 2.2 million US prisoners are Hispanic males.

This mass incarceration—which also includes about 800,000 white and Asian males, as well as over 100,000 women (most of whom committed nonviolent offenses)—is the product of statutes that were enacted, beginning in the 1970s, with the twin purposes of lowering crime rates in general and deterring the drug trade in particular. These laws imposed mandatory minimum terms of imprisonment on many first offenders. They propounded sentencing guidelines that initially mandated, and still recommend, substantial prison terms for many other offenders. And they required lifetime imprisonment for many recidivists. These laws also substantially deprived judges of sentencing discretion and effectively guaranteed imprisonment for many offenders who would have previously received probation or deferred prosecution, or who would have been sent to drug treatment or mental health programs rather than prison.

The unavoidable question is whether these laws have succeeded in reducing crime. Certainly crime rates have come down substantially from the very high levels of the 1970s and 1980s that gave rise to them. Overall, crime rates have been cut nearly in half since they reached their peak in 1991, and they are now at levels not seen in many decades. A simple but powerful argument can be made that, by locking up for extended periods the people who are most likely to commit crimes, we have both incapacitated those who would otherwise be recidivists and deterred still others from committing crimes in the first place. But is this true? The honest answer is that we don't know. And it is this uncertainty that makes changing the status quo so difficult: for, the argument goes, why tamper with what seems to be working unless we know that it is not working?

There are some who claim that they do know whether our increased rate of incarceration is the primary cause of the decline in crime. These are the sociologists, the economists, the statisticians, and others who assert that they have "scientifically" determined the answer. But their answers are all over the place. The theories involve criminal justice

policies: increased incarceration, increased police numbers, increased use of statistics in devising police strategies to combat crime, threat of the death penalty, and enactment of right-to-carry gun laws (which theoretically deter violent criminals from attacking victims who they now have to fear might be armed). Another four of the theories are economic in nature, involving changes in unemployment, income, inflation, and consumer confidence. The final five theories involve environmental and social factors: aging population, decreased alcohol consumption, decreased crack use, legalized abortion, and decreased lead in gasoline (which theoretically reduces the supposed tendency of lead fumes to cause overaggressive behavior).

Some observers, like Michelle Alexander in her influential book *The New Jim Crow* (2010), 3 assert that it is a case of thinly disguised racism. Others, mostly of an economic determinist persuasion, claim that it is the result of the rise of a powerful private prison industry that has an economic stake in continuing mass incarceration. Still others blame everything from a continuing reaction to the “excesses” of the 1960s to the never-ending nature of the “war on drugs.” Finally, I quote Amos N. Wilson: “The disciplines of criminology, the behavioral and social sciences, like all of the other institutional disciplines in a racist, class society seek to rationalize and present an apologia for the political status quo without losing respectability. To accomplish this they must, in effect, promote the decontextualization of crime and criminality. That is, they tend to divorce crime and criminality from their socio-ecological and psycho-historical contexts and present them as small-group, sub cultural, and personality problems.” They create the myth

of the quasi-innate “criminal” personality, class, sub cultural, or group. How can this be with the multidimensional changes of the person in the environment over time?

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