



OVERINCARCERATION

With an incarcerated population of well over two million, the United States has earned the disgraceful distinction of being the world's largest jailer, ahead of China and Russia. We have 5% of the world's population but 25% of the world's prisoners. More than one in 100 adults in this country were behind bars in 2008, and one in 35 adults are under correctional supervision (prison, jail, probation, or parole). A shocking one in nine young black men (ages 20-34) are behind bars, and racial bias infects the system at every turn. Through litigation, public education, and legislative advocacy, the ACLU is committed to helping America re-envision a criminal justice system that is fair and free of racial bias, that keeps our communities safe, and respects the rights of all who come into contact with it.

The Human Cost of Mandatory Minimum Sentencing

In 1993, Hamedah Hasan, a young mother on the run from a physically abusive relationship, turned to her cousin for help. In return for a place to stay, her cousin roped her into running errands for his crack cocaine business. For this first-time, nonviolent offense, she received a life sentence: the judge's hands were tied by mandatory minimum sentences for crack cocaine.

Hasan's sentence has since been reduced from life to 27 years, but as of 2011 she still had 10 years left to go. Had she been convicted for the same offense with powder cocaine, she would be free today. However, recent revisions to the crack/powder cocaine sentencing laws—an issue the ACLU has championed for decades—mean that she may soon be able to reunite with her three daughters and grandchildren. Once the sentencing rules are made retroactive, more than 12,000 individuals like Hasan—85% of whom are African American—will have the opportunity to have their sentences reduced.

This significant victory, which will have a positive impact on so many lives, reinforces the ACLU's resolve to repeal unjust laws that make people like Hamedah Hasan casualties in the "War on Drugs."



Hamedah Hasan, pictured here with her family, was swept up in her cousin's drug dealing operation. She consequently received a life sentence for a first-time, nonviolent offense that was later reduced to 27 years. The ACLU is working hard for fairer sentencing laws.

Ending America's Addiction to Incarceration

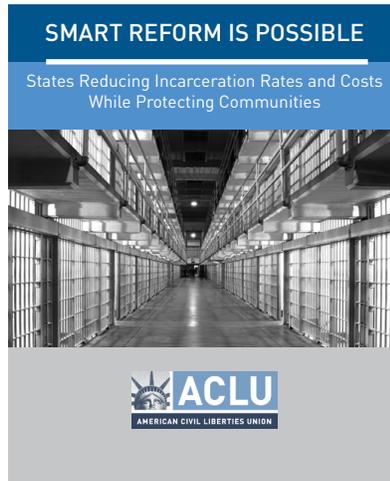
Driven by the “War on Drugs” and the “tough on crime” policies of the 1980s and 1990s, America’s prisons are now bursting at the seams with low-level, nonviolent offenders; the mentally ill; the elderly; children charged as adults; and those with drug addiction in need of treatment. Further, the resurgence of debtors’ prisons has put thousands in jail for being too poor to pay fines for traffic tickets or other minor misdemeanors.

Because of discriminatory laws on the books and biased enforcement, people of color are vastly overrepresented in the criminal justice system. As a result, more African Americans are under correctional control today than were enslaved in 1850. This injustice has had severe economic, social, and political impacts; overincarceration has become the contemporary face of American racism and apartheid.

Americans are now paying the price: in the midst of an economic crisis, incarceration and related costs are the second-fastest growing category of state budgets, with 90% of this spending going to prisons. Fortunately, the tide is turning against incarceration as a one-size-fits-all solution to crime and social ills. The ACLU is collaborating with conservatives and progressives alike to push for thoughtful de-incarceration policies, working not only to stem the flow of people into prisons, but also to shrink the number of people inside prisons. Smart, effective reform is possible.



The Los Angeles County Jail, the nation’s largest, is so overcrowded that perfectly healthy prisoners are developing mental illness.



The ACLU’s much-heralded 2011 report on overincarceration provides states with a menu of reforms to safely and economically reduce their prison populations.

Our Work for Criminal Justice Reform

- The ACLU was a key player in two landmark U.S. Supreme Court cases that established important rights for the accused: *Gideon v. Wainwright* (1962), guaranteeing all defendants the right to an attorney; and *Miranda v. Arizona* (1966), guaranteeing a suspect’s “right to remain silent” when taken into custody.
- In August 2010, President Obama signed the Fair Sentencing Act into law. This legislation, championed by the ACLU, reduces the 100-to-1 sentencing disparity between crack and powder cocaine, and eliminates mandatory minimum sentencing for simple possession of crack cocaine.
- In October 2010, the ACLU published the report, *In for a Penny: The Rise of America’s New Debtors’ Prisons*, which spotlights how states are aggressively and illegally jailing poor people for failing to pay legal fines that they can never hope to afford.
- Ruling in June 2011 in *Brown v. Plata*, the U.S. Supreme Court acknowledged that overincarceration policies have produced a crisis in California prisons, where extreme overcrowding has resulted in unconstitutional conditions. The ACLU, which has championed this important issue for decades, filed a friend-of-the-court brief in the case.