

NEW INCARCERATION FIGURES: THIRTY-THREE CONSECUTIVE YEARS OF GROWTH

Bureau of Justice Statistics figures for 2005 indicate that there were nearly 2.2 million inmates in the nation's prisons and jails, representing an increase of 2.6% (56,400) over the previous twelve months.

The new figures represent a record 33-year continuous rise in the number of inmates in the U.S. The current incarceration rate of 738 per 100,000 residents places the United States first in the world in this regard. Russia had previously rivaled the U.S., but substantial prisoner amnesties in recent years have led to a decline of the prison population, resulting in a current rate of incarceration of 594 per 100,000. Rates of incarceration per 100,000 for other industrialized nations include Australia - 126, Canada - 107, England/Wales - 144, France - 88, and Japan - 62.

The continued growth in incarceration comes despite the fact that the last decade has witnessed a sustained, falling crime rate that has reduced crime to levels last experienced in the 1960s. In addition, a number of states have implemented reforms in sentencing and corrections policy with the intent of diverting more people from prison and increasing the use of parole. Despite these developments, the prison and jail population has continued to grow to unprecedented levels, with 1 in every 136 U.S. residents incarcerated. This has had profound consequences for racial and ethnic minorities and women. These and other factors relating to the current prison figures are assessed below:

Rising Incarceration Despite Falling Crime Rates – Despite falling crime rates since 1991, the rate of incarceration in prison has increased by more than 50% since that time. These dynamics suggest that the rise in imprisonment is due to changes in policy that have increased the amount of time that offenders are serving in prison, and not crime rates. An examination of the rise of imprisonment from 1992 to 2001 concluded that the *entire* increase was a result of changes in sentencing policy and practice.¹ These include such measures as “three strikes,” mandatory sentencing, and “truth in sentencing.” From 1995 to 2001, the average time served in prison rose by 30%.

Federal Prison System Leads Growth – The federal prison system continues to grow at an unprecedented rate, increasing 2.3% during the first six months of 2005 to a total of 184,484 prisoners. The number of federal prisoners in custody has increased by 97% in the last decade. One-quarter of the national growth in the prison population between midyear 2004 and midyear 2005 is attributable to the federal prison system, contributing to an overcrowding level of 140%. This expansion has come about primarily as a result of the incarceration of non-violent offenders. More than half (54%) of federal prisoners are serving time for a drug offense, while only 11% are incarcerated for a violent offense.

New Sentences and Parole Revocations Cause Prison Growth – The number of new state sentences to prison in 2004 (644,084) was 23% higher than the figure in 1995 (521,970), despite the fact that crime rates declined significantly during that period. This increase likely reflects the continuing impact of high

¹ Jennifer C. Karberg and Allen J. Beck, “Trends in U.S. Correctional Populations: Findings from the Bureau of Justice Statistics,” presented at the National Committee on Community Corrections, Washington, D.C., April 16, 2004.



numbers of drug arrests along with mandatory and other sentencing policies that require judges to impose lengthy prison terms.

Parole revocations have become an increasingly significant contributor to the rising prison population, now accounting for one-third of all admissions to prison, a rate double that of the early 1980s. Revocations may be for a new crime, but may also result from technical violations of parole, such as testing positive for drugs.

Reentry – Record Number of Returning Prisoners – The number of people returning to the community from state and federal prisons rose to 672,202 in 2004, an increase of 11.1% since 2000. These figures pose substantial challenges for local communities in providing employment and housing opportunities since people entering prison generally have limited job skills and prison programming is often inadequate for the needs of the population.

Sentencing Reforms Don't Go Far Enough – While more than half the states have enacted some type of sentencing or drug reform in recent years, these changes have not been of sufficient magnitude to reduce the growth of the prison population and limit costs. At the federal level, sentencing patterns since the Supreme Court's January 2005 *Booker* decision granting judges greater discretion in sentencing have not changed appreciably. These results highlight the need to consider more progressive policy changes, such as elimination of mandatory minimum sentences, the development of alternatives to incarceration, and reinstitution of parole.

Female Prison Population Continues to Grow – The number of women in prison first exceeded 100,000 in 2003, and currently there are 106,174 female prisoners. In addition, there are 93,963 women in local jails. The rapid growth of women's incarceration – at nearly double the rate for men over the past two decades – is disproportionately due to the war on drugs. Women in prison are more likely than men (32% vs. 21%) to be serving a sentence for a drug charge.

Aging Prison Population – One of every 23 inmates in prison today is age 55 or older, an 85% increase since 1995. A significant contributor to this growth has been the fact that persons sentenced to prison today are serving more time than those in past decades. A 2004 report by The Sentencing Project found an 83% increase in the number of prisoners serving a life sentence from 1992 to the present, yielding a total of 127,000 lifers today.² Of this total, one-quarter are serving terms of life without parole. The average time to be served by newly admitted lifers has also increased substantially, rising from 21 years in 1991 to 29 years by 1997.

Jail Dynamics Changing – Along with prison populations, the number of persons in local jails has been rising steadily throughout this period. Of particular note is that the proportion of persons held in jail awaiting trial has risen considerably, from 51% in 1990 to 62% in 2005, with nearly half of that growth occurring in the last three years. These dynamics are likely due to inadequacy of defense counsel representation at early stages of justice system processing and limited access to pretrial release programs in

² Marc Mauer, Ryan S. King, and Malcolm C. Young, *The Meaning of "Life": Long Prison Sentences in Context*, The Sentencing Project, May 2004.

some jurisdictions. Research has demonstrated that persons detained prior to trial have a greater likelihood of conviction and sentencing to prison.

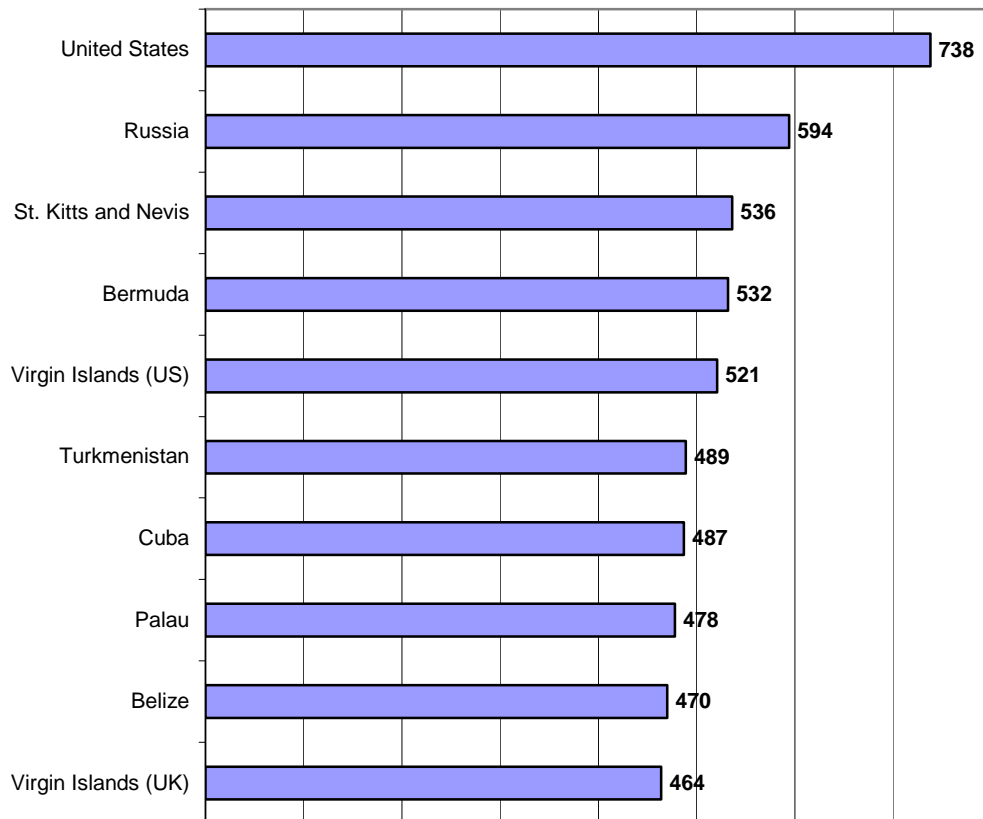
Racial Dynamics Persist – The new imprisonment figures document the continuing dramatic impact of incarceration on African American communities. African Americans males are incarcerated at more than six times the rate of white males and Hispanic males more than double the rate. One of every eight black males in the age group 25-29 is incarcerated on any given day. For women, black females are incarcerated at four times the rate of white females and Hispanic females at nearly double the rate. In historical perspective, the 910,000 African Americans incarcerated today are more than nine times the number of 98,000 in 1954, the year of the *Brown v. Board of Education* decision.

Racial disparities in incarceration vary broadly among the states. In 7 states, African Americans are incarcerated at more than 10 times the rate of whites. These states are: Iowa – 13.6, Vermont – 12.5, New Jersey – 12.4, Connecticut – 12.0, Wisconsin – 10.7, North Dakota – 10.1, and South Dakota – 10.0. In addition, the lowest black rate of incarceration (851 in Hawaii) is greater than that of the highest white rate (740 in Oklahoma).

Policies to Control Prison Growth – As states grapple with the increasingly expensive costs of imprisonment and its effects on vital public services, a comprehensive strategy is needed if policymakers are to be able to control the rise in incarceration. Such a framework should be developed with the goal of public safety, by using funds saved through unnecessary incarceration to targeted approaches for reducing crime and supervising offenders in the community. The elements of such a framework include:

- Reconsideration of sentence lengths by judges, sentencing commissions, and legislatures;
- Enhance drug offender diversion to treatment through drug court and other mechanisms;
- Increased development of alternatives to incarceration that can provide services and supervision that meet the needs of individual offenders;
- Reconsideration of policies that result in unnecessarily lengthy incarceration, such as “three strikes” laws, “truth in sentencing,” mandatory sentencing, and life without parole;
- Enhanced use of judicial discretion through increasing the range of factors that can be taken into account at sentencing and providing options to mandatory sentencing;
- Reconsideration of parole revocation policies, particularly for technical violations, that have increasingly contributed to prison admissions;
- Reallocate justice system funds to support greater investments in “community justice” programs that can target services pro-actively to communities heavily affected by both crime and incarceration.

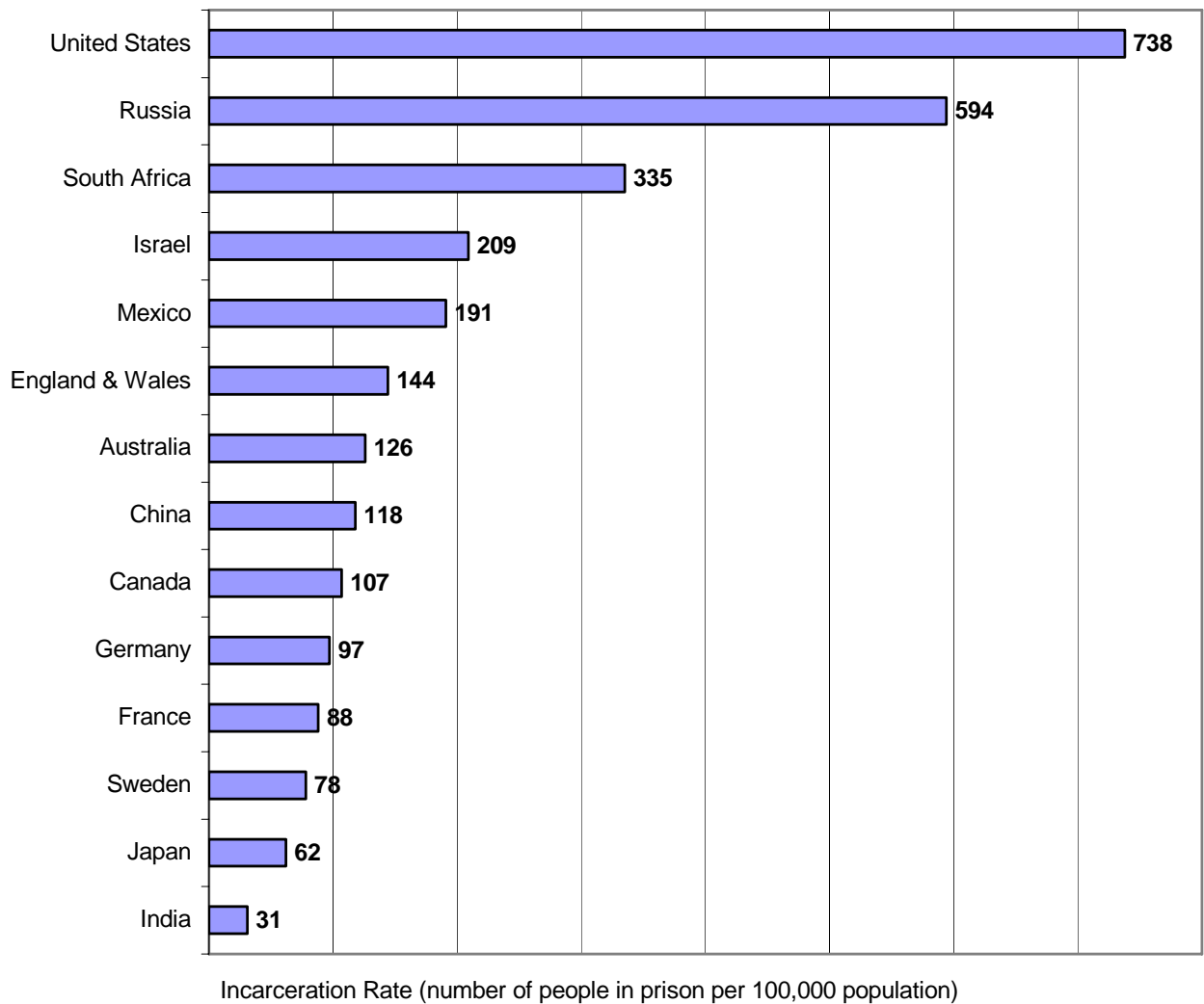
TEN LEADING NATIONS IN INCARCERATION RATES



Incarceration Rate (number of people in prison per 100,000 population)

Source: Rate for the US from *Prison and Jail Inmates at Midyear 2005*; for all other nations, International Centre for Prison Studies available online at www.prisonstudies.org. Incarceration data were collected on varying dates and are the most current data available as of 2006.

RATE OF INCARCERATION IN SELECTED NATIONS



Source: Rate for the US from *Prison and Jail Inmates at Midyear 2005*; for all other nations, International Centre for Prison Studies available online at www.prisonstudies.org. Incarceration data were collected on varying dates and are the most current data available as of 2006.

05/06