

The Expanding Federal Prison Population

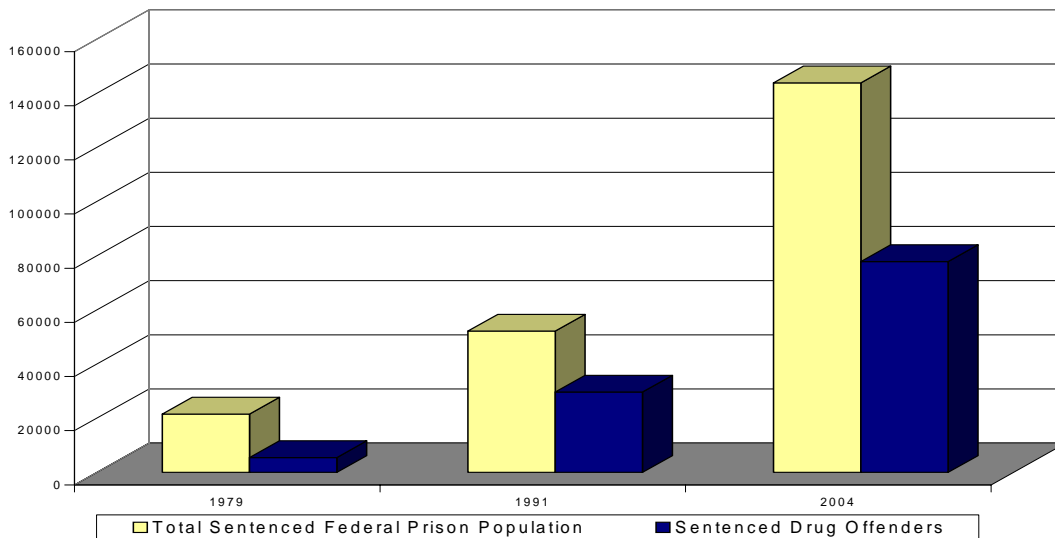
The Federal Bureau of Prisons

- The total population under the jurisdiction of the Federal Bureau of Prisons in 2005 was 187,618, making it the largest prison system in the U.S. The population has doubled in the last decade.
- Since 1995, drug offenses comprised nearly half of the growth in the federal system, while public order offenses represented 38% of the increase. Violent offenses were responsible for only 8% of the growth.
- Only 1 in 10 federal prisoners are incarcerated for a violent crime.
- Nearly three-quarters (71%) of federal prisoners are racial or ethnic minorities – 40% black, 31% Latino.

Federal Prison Growth

- The number of sentenced federal prisoners has grown by more than 500% in the past 25 years – from 21,539 in 1979 to 143,864 in 2004. During that same period the percentage of drug offenders in federal prison has increased from 25% to 55%.

25-Year Population Growth¹



¹ Kathleen Maguire and Ann L. Pastore, eds. *Sourcebook of Criminal Justice Statistics* [ONLINE], Available: www.albany.edu/sourcebook/pdf/t657.pdf, [December 13, 2006].

While many states are experiencing a slowing of the rate of growth of their prison population and some even a small decline, the federal prison population continues its rapid expansion. From 2004 to 2005 the number of sentenced federal prisoners increased by 4%, compared to the state prison population increase of 1.6%.² During 2005, the federal prison population grew by 7,290 sentenced prisoners, the equivalent of more than 140 new prisoners per week.³ To alleviate the pressure of this swiftly growing population, the Bureau of Prisons has increasingly turned to the option of private prisons. At year-end 2005, there were 27,000 inmates housed in private facilities, or 1 in 7 inmates.⁴ This represents a 74% increase in the last five years.

Several factors have contributed substantially to the growth of the federal prison population in the past twenty years. These include:

- *Increased federalization of crime* – The federal government has expanded its control into areas that have historically fallen under state jurisdiction. This is most striking in regard to the “war on drugs,” where federal prosecutions for drug offenses have increased by 107% from 11,854 in 1984 to 24,561 in 2005.⁵
- *Mandatory sentencing policy* – Federal sentencing policy has shifted dramatically as a result of policy decisions of the mid-1980s. Mandatory minimum sentencing policies adopted by Congress beginning in 1984 have contributed substantially to the number of drug offenders in federal prison, both by removing discretion from sentencing judges and increasing the length of sentence for many offenders. In 2005, 64% of federal offenders convicted of a drug offense received a mandatory minimum prison term.⁶ Thirty-seven percent of all drug offenders received a 10-year mandatory minimum.⁷
- *Federal sentencing guidelines* – Prior to the U.S. Supreme Court’s *Booker* decision in 2005, the federal sentencing guidelines that went into effect in 1987 had removed much judicial discretion as well, resulting in additional prison sentences that might have otherwise resulted in diversion to community-based sanctions. An examination of sentencing changes in the first years of the guidelines’ implementation found that the proportion of offenders sentenced to prison rose from 52% in pre-guideline cases in 1986 to 74% in guideline cases by 1990.⁸

² Paige M. Harrison and Allen Beck, *Prisoners in 2005*, Bureau of Justice Statistics, Department of Justice, November 2006.

³ *Ibid.*

⁴ *Ibid.*

⁵ John Scalia, *Federal Drug Offenders, 1999, with Trends 1984-99*, Bureau of Justice Statistics, August 2001; United States Sentencing Commission, *Sourcebook of Federal Sentencing Statistics*, 2006, Table 43 (pre-*Booker* and post-*Booker* cases combined).

⁶ United States Sentencing Commission, Table 43 (pre-*Booker* and post-*Booker*).

⁷ *Ibid.*

⁸ Douglas C. McDonald and Kenneth E. Carlson, *Federal Sentencing in Transition, 1986-90*, Bureau of Justice Statistics, June 1992.