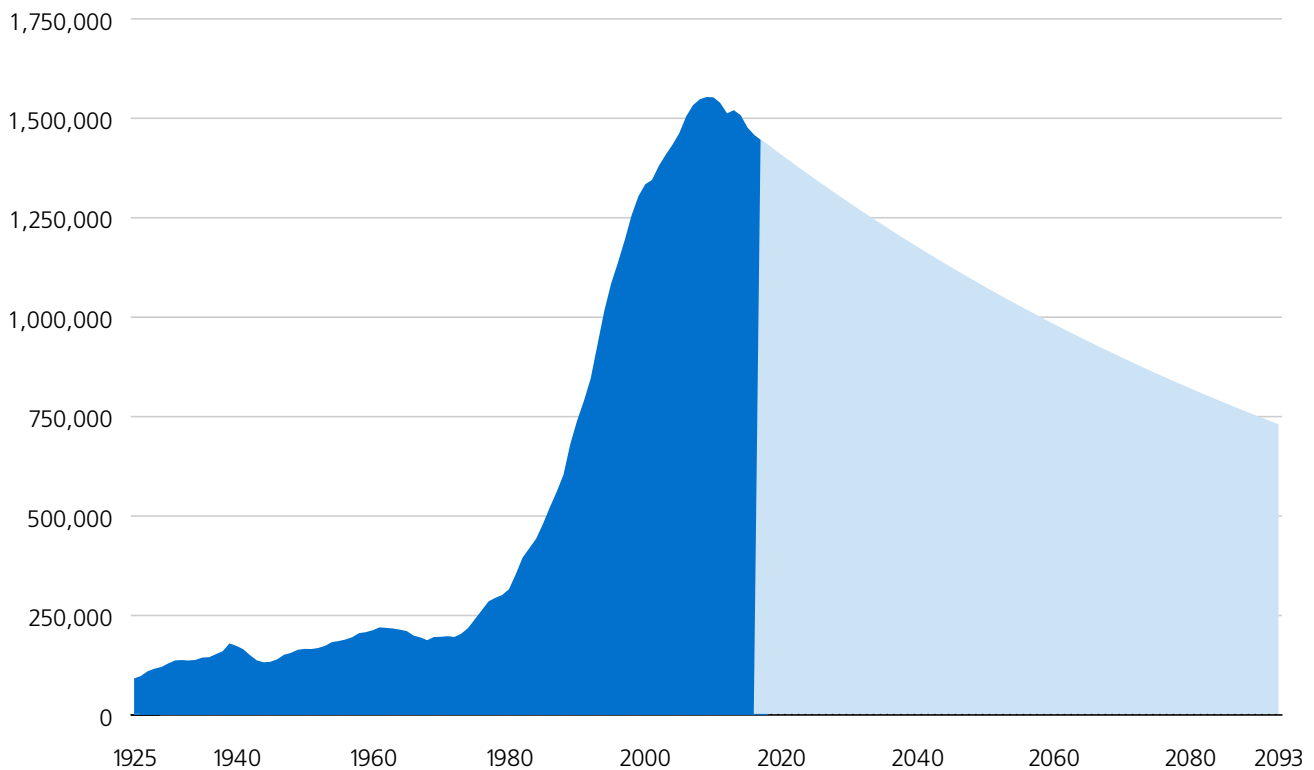


# Can We Wait 75 Years to Cut the Prison Population in Half?

While most states have downsized their prison populations in recent years, the pace of decarceration is insufficient to undo nearly four decades of unrelenting growth.

**Figure 1: Historical and projected U.S. federal and state prison populations, based on 2009-2016 rate of decline**



Source of historical figures: Bureau of Justice Statistics (1982) "Prisoners 1925-81"; Bureau of Justice Statistics Corrections Statistical Analysis Tool.

The U.S. prison population grew by more than 600% between 1973 and 2009—from 200,000 people to 1.6 million. Tough-on-crime policies expanded the number of imprisoned people even while crime rates plunged to 40% below their levels in the 1990s.<sup>1</sup> In recent years, policymakers and criminal justice professionals have implemented reforms to correct the punitive excesses of the past. By yearend 2016 the number of people held in U.S. prisons had declined by 6% since a 2009 peak, and crime rates have continued to decline.<sup>2</sup>

But the overall impact of reforms has been quite modest. With 1.5 million people in prison in 2016, the prison population remains larger than the total population of 11 states.<sup>3</sup> If states and the federal government maintain their recent pace of decarceration, it will take 75 years—until 2093—to cut the U.S. prison population by 50%. Expediting the end of mass incarceration will require accelerating the end of the Drug War and scaling back sentences for serious crimes.

## U.S. PRISON POPULATION TRENDS: 1999-2016

Incarceration trends vary significantly among the states, as detailed in Table 1 and Figure 2. By 2016, 42 states had at least modestly downsized their prison populations from their peak levels. Six states lead the nation in reducing their prison populations by 25% or more:

- **New Jersey** (37% decline since 1999)
- **Alaska** (33% decline since 2006)
- **New York** (31% decline since 1999)
- **Vermont** (29% decline since 2009)
- **Connecticut** (28% decline since 2007)
- **California** (25% decline since 2006, though some have been redirected to local jails)

Some Southern states, which have exceptionally high rates of incarceration, have also achieved double-digit percentage reductions in their prison populations since reaching their peak levels. These include:

- **Mississippi** (14% decline since 2008)
- **South Carolina** (13% decline since 2009)
- **Alabama** (12% decline since 2012)
- **Louisiana** (11% decline since 2012)

The federal prison population declined 13% between 2011 and 2016, twice the nationwide rate of decarceration. The number of people in federal prisons continued to decline in 2017, despite the “law and order” rhetoric of President Trump and Attorney General Sessions.<sup>4</sup>

These reductions are the result of a [mix of changes in policy and practice](#) designed to reduce admissions to prison and lengths of stay. Moreover, the states with the most substantial reductions in their prison populations have [often outpaced the nationwide crime drop](#).

But overall, the pace of decarceration has been very modest in most states. In 20 states the prison population reduction is less than 5%. Texas and Florida, which rank first and third highest among states in the size of their prison populations, have

reduced their prison populations by just 4% since reaching their peak levels.<sup>5</sup> Eight states had not achieved any prison population reductions by 2016, even though most are experiencing crime rates that are far below their peak levels. Among these states, the largest 5-year increases in prison populations since 2011 have occurred in Kentucky, with a 10% increase, and in South Dakota and Nevada, each with an 8% increase.

## EXPEDITING THE END OF MASS INCARCERATION

The growing recognition of the scale and urgency of mass incarceration is now voiced by leaders as diverse as Sen. Corey Booker and former House Speaker Newt Gingrich. A growing number of policy experts and advocacy organizations are now calling for a 50 percent cut in the U.S. prison population within the next 15 years. These include the [ACLU](#), the [#Cut50 initiative](#) led by Van Jones, and [Just Leadership USA](#)—a national group led by formerly incarcerated individuals.

But the sobering reality is that at the pace of decline since 2009, it will take until 2093 to cut the U.S. prison population by 50%.

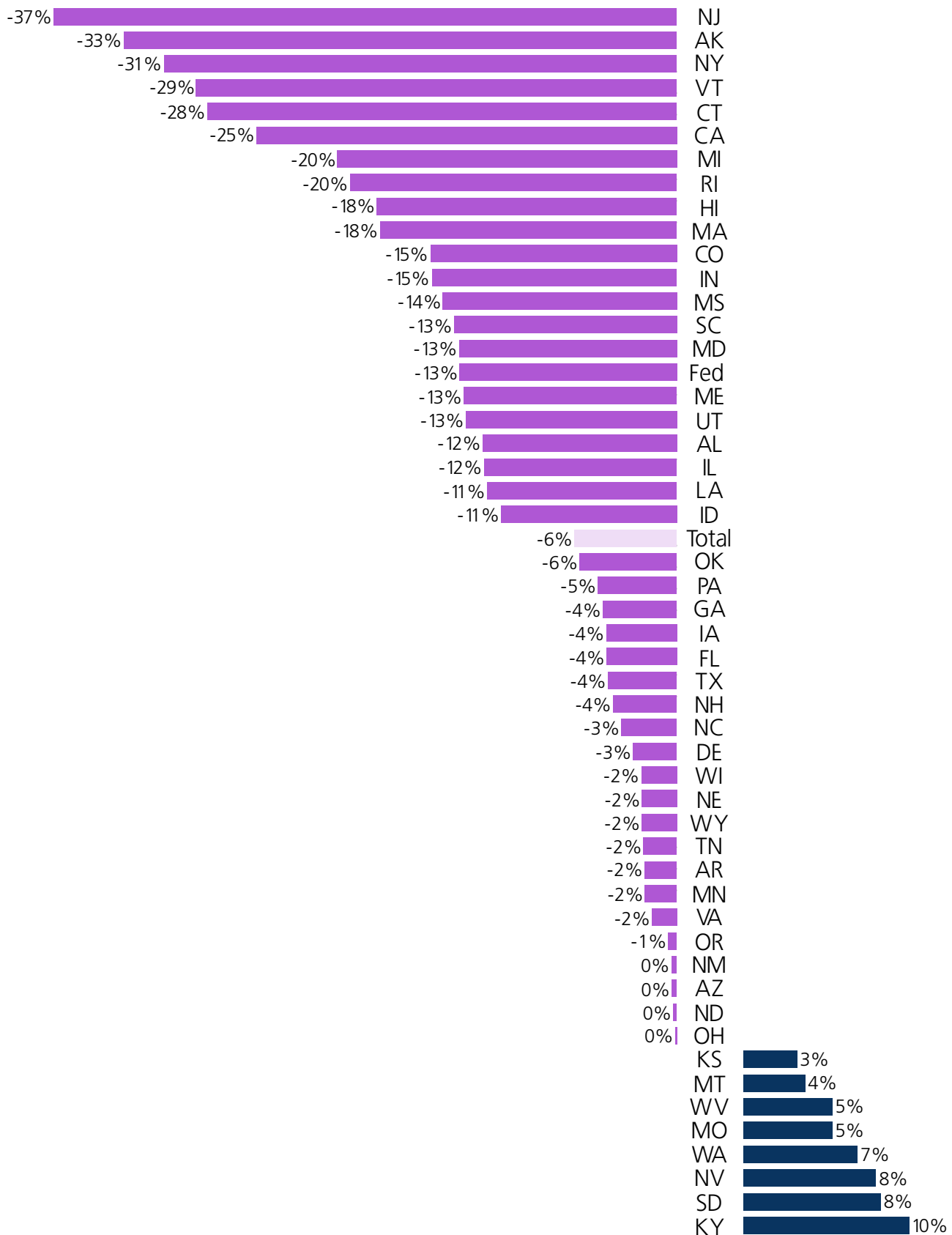
Clearly, waiting 75 years to dismantle a system that is increasingly viewed as out of step with the world and racially biased is unacceptable. Expediting the end of mass incarceration will require intensifying the scope of reforms and accelerating their pace:

### End the Drug War

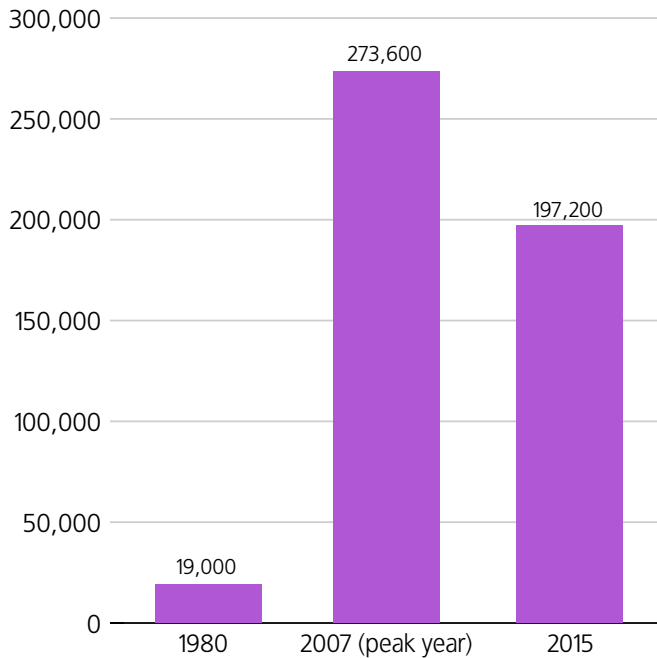
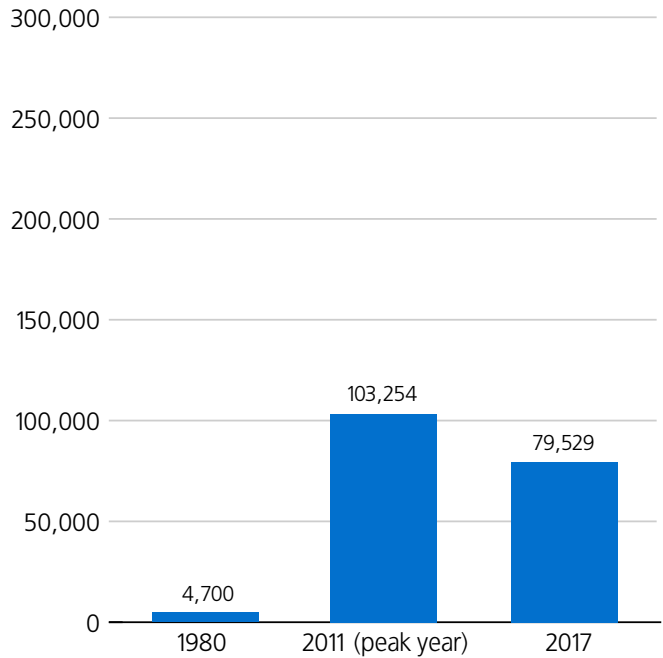
Many criminal justice reforms have reduced, and sometimes eliminated, prison terms for non-violent and largely low-level drug offenses. These hard-won reforms have reduced the number of people imprisoned for a drug offense by 25% since 2007, when the total number of people imprisoned for a drug offense was at its peak.<sup>6</sup>

But 277,000 people are still imprisoned nationwide for a drug offense—over half of them (56%) African American or Latino. People with drug convictions

**Figure 2: U.S. prison population trends through 2016: decreases from peak year, increases from 2011**



Source: Bureau of Justice Statistics *Prisoners Series* (1999-2016)  
 Note: Illinois data may not be fully comparable across years.

**Figure 3: State Prison Population with Drug Convictions**

**Figure 4: Federal Prison Population with Drug Convictions**


Source: Bureau of Justice Statistics *Prisoners Series* and Inmate Statistics from Federal Bureau of Prisons Website.

comprise nearly half of the federal prison population (46%) and 15% of the state prison population. Even at the federal level, most of those receiving **drug sentences** were convicted of being “street-level dealers” or for lower levels of involvement in the drug trade. Their imprisonment only creates openings that others fill to meet the demand for drugs.

As the **National Research Council** has stated: “The successive iterations of the war on drugs—through a substantial public policy effort—are unlikely to have markedly or clearly reduced drug crime over the past three decades.” A decades-long emphasis on supply reduction over demand reduction—incarceration over treatment—has failed to stem supply even as prison populations have escalated. It is well past time to end the Drug War.

### Scale Back Excessive Penalties for All Crimes

Important as it is to end the war on drugs, if we truly want to end mass incarceration, we must also scale back excessive penalties even for serious and violent crimes. Half of the state prison population is

serving time for a violent crime, including assault and robbery, and **one out of every seven** people in prison is serving a life sentence. While public protection is a key element of sentencing in these cases, harsher sentencing policies are resulting in **longer prison terms** for violent crimes than in the past. Many individuals are still incarcerated long after they have “aged out” of crime and no longer pose a significant public safety risk.

Imposing excessive prison terms for violent crimes has not made us safer than other industrialized countries. This approach impedes increased investments in more effective crime-reduction policies such as **health insurance coverage** to prevent and treat substance use disorder, **high-quality early education** to expand young people’s educational prospects, and **residential mobility** programs to reduce neighborhood segregation. States grappling with an uptick in crime should consider these investments, rather than reversing sentencing reforms for low-level offenses as **Alaska** has done, or considering mandatory sentencing increases as **Maryland** is doing.

## CONCLUSION

Just as mass incarceration was developed primarily as a result of changes in policy, not crime rates, so too has decarceration reflected changes in both policy and practice. These have included such measures as drug policy sentencing reforms, reduced admissions to prison for technical parole violations, and diversion options for persons convicted of lower-level property and drug crimes.

The movement to end mass incarceration not only faces political reluctance to meaningfully reduce the U.S. prison population, it has also had to address renewed calls to further expand the prison population, including: increasing prison terms for [immigration law violations](#), [reversals of Obama-era reforms](#) in federal sentencing, and punitive responses to the [opioid crisis](#). While defending the progress made in recent years, we must also strive for criminal justice reforms bold enough to tackle mass incarceration.

**Table 1: Change in state and federal prison populations**

Jurisdiction	Peak to 2016	Peak Year
New Jersey	-37.2%	1999
Alaska	-33.0%	2006
New York	-30.6%	1999
Vermont	-28.7%	2009
Connecticut	-28.0%	2007
California	-25.1%	2006
Michigan	-20.3%	2006
Rhode Island	-19.5%	2008
Hawaii	-17.9%	2005
Massachusetts	-17.7%	2011
Colorado	-14.7%	2008
Indiana	-14.6%	2013
Mississippi	-14.0%	2008
South Carolina	-13.3%	2009
Maryland	-13.0%	2007
Federal	-13.0%	2011
Maine	-12.7%	2007
Utah	-12.6%	2013
Alabama	-11.6%	2012
Illinois	-11.5%	2012
Louisiana	-11.3%	2012
Idaho	-10.5%	2012
<b>U.S. Total</b>	<b>-6.1%</b>	<b>2009</b>
Oklahoma	-5.8%	2015
Pennsylvania	-4.7%	2011
Georgia	-4.4%	2009
Iowa	-4.2%	2010
Florida	-4.2%	2010
Texas	-4.1%	2010
New Hampshire	-3.8%	2007
North Carolina	-3.3%	2014
Delaware	-2.6%	2007
Wisconsin	-2.1%	2006
Nebraska	-2.1%	2014
Wyoming	-2.1%	2015
Tennessee	-2.0%	2014
Arkansas	-1.9%	2014
Minnesota	-1.9%	2015
Virginia	-1.5%	2015
Oregon	-0.5%	2015
New Mexico	-0.3%	2015
Arizona	-0.3%	2015
North Dakota	-0.2%	2015
Ohio	-0.1%	2015
Jurisdiction	2011 to 2016	Peak Year
Kansas	3.2%	2016
Montana	3.7%	2016
West Virginia	5.3%	2016
Missouri	5.3%	2016
Washington	6.8%	2016
Nevada	7.9%	2016
South Dakota	8.2%	2016
Kentucky	9.9%	2016

Source: Bureau of Justice Statistics *Prisoners Series* (1999-2016).

Note: Illinois data may not be fully comparable across years.

## REFERENCES

1. Between 1991 and 2009, the violent crime rate fell by 43% and the property crime rate fell by 41%. Source: FBI Uniform Crime Reports.
2. In 2016, 1.3 million people were serving sentences in state prisons and 172,000 were doing so in federal prisons. As the prison population declined between 2009 and 2016, the violent crime rate declined by 11% and the property crime rate declined by 19%. Source: FBI Uniform Crime Reports
3. This figure excludes the population held in local jails, which totaled [740,000 in 2016](#).
4. The federal prison population further downsized in 2017, reaching [184,000 at yearend](#). The Department of Justice has forecast an average daily population of [over 192,000 people](#) in federal prisons in fiscal year 2019.
5. While Texas has only modestly reduced its prison population, the state's imprisonment rate—which is the number of prisoners per 100,000 residents—has declined by 26% between 1999 and 2016, largely due to [substantial growth](#) in the overall state population. Source: Bureau of Justice Statistics *Prisoners Series*.
6. Bureau of Justice Statistics *Prisoners Series* (2009-2016); *Federal Bureau of Prisons* (2017, September 23). Offenses. Federal Bureau of Prisons. Retrieved from [https://www.bop.gov/about/statistics/statistics\\_inmate\\_offenses.jsp](https://www.bop.gov/about/statistics/statistics_inmate_offenses.jsp).