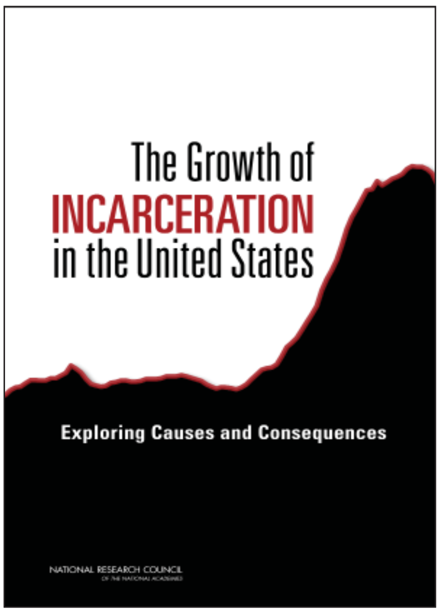
REPORT BRIEF • APRIL 2014

COMMITTEE ON LAW AND JUSTICE

The Growth of Incarceration in the United States

Exploring Causes and Consequences



After decades of stability, the United States saw its incarceration rate more than quadruple in the past 40 years. Currently, nearly 1 out of 100 American adults is in prison or jail. What drove this increase in the use of imprisonment, and how has it affected society at large, communities, families, and individuals? Has this shift in policy produced significant benefits, or is a change in course needed?

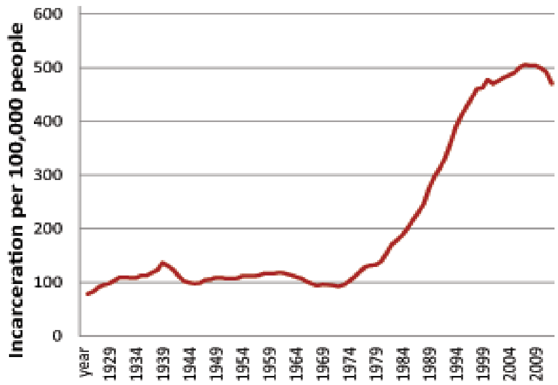
Asked to answer these questions, the National Research Council appointed a committee of experts in criminal justice, the social sciences, and history to examine the evidence. The committee released its findings and recommendations in the report *The Growth of Incarceration in the United States: Exploring Causes and Consequences.*

The dramatic increase in incarceration has failed to clearly yield large crime-reduction benefits for the nation, the report concludes. In addition, the growth in incarceration may have had a wide range of unwanted consequences for society, communities, families, and individuals. The effects of harsh penal policies have fallen most heavily on blacks and Hispanics, especially the poorest. The report recommends that policymakers take steps to reduce the nation's reliance on incarceration.

THE RISE OF INCARCERATION

State and federal prison populations in the U.S. rose steadily between 1973 to 2009, from about 200,000 to 1.5 million, declining slightly in 2009 to 2012. This growth in incarceration levels was historically unprecedented and internationally unique.

When incarceration rates began to grow in the early 1970s, American society had passed through a period of intense change – including rising crime rates, social unrest, intense political conflict, and a profound transformation in race relations. In this context, state and federal policymakers



U.S. State and Federal Imprisonment Rate, 1972-2012

made policy choices that increasingly relied on longer sentences and wider use of imprisonment.

Between 1975 and 1995, all 50 states and the federal government reduced judges' discretion in sentencing by mandating imprisonment for a wide variety of offenses. Congress and most state legislatures enacted laws that mandated lengthy prison sentences – often of 5, 10, and 20 years or longer – for drug offenses, violent crimes, and repeat offenders. Congress and more than half of the states enacted "three strikes" laws that mandated minimum sentences of 25 years or longer for some offenders. "Truth-in-sentencing" laws, which require those affected to serve at least 85 percent of their prison sentences, were enacted by Congress and a majority of states.

THE CONSEQUENCES OF HIGH INCARCERATION RATES

Effects on crime. The shift toward more incarceration and longer sentences reflected a widespread view that incarceration was a key way to control crime. This has not proven to be the case. During the four decades when incarceration rates steadily rose, crime rates showed no clear trend. The crime reduction effect of incarceration is highly uncertain and is unlikely to have been large. In addition, the crime-reduction benefits of very long sentences are likely to be small; one reason is that rates of re-offending drop significantly as people age, and so very long sentences incarcerate people whose likelihood of committing further crimes is low even if they were not imprisoned.

Consequences for those imprisoned. As incarceration rates have grown, there have been fewer opportunities for prisoners to participate in programs that might promote success after release. Higher incarceration rates have also led to overcrowding: Many state and federal prisons operate at or above 100 percent of capacity, and cells designed for a single inmate often house two or sometimes three inmates. While overcrowding did not drive up lethal violence in prisons as some feared, persistent overcrowding is associated with a range of poor consequences for health and behavior, as well as increased risk of suicide.

Prison's effects do not end with an inmate's release, and they extend beyond the former prisoner to affect families, communities, and society. The vast expansion of the criminal justice system has created a large population whose access to public benefits, occupations, and the ability to vote are limited by a criminal conviction. Those with a criminal record often face lower earnings and lower employment rates, as they are disproportionately denied jobs. Many states deny those with a criminal record licenses to work in many professions, such as plumbing, food catering, and hair cutting. Individuals with felony convictions sometimes must forfeit all or some of their pension, disability, or veteran's benefits. Many are ineligible for public housing, student loans, food stamps, and other forms of assistance.

Consequences for families. From 1980 to 2000, the number of children with incarcerated fathers grew from about 350,000 to 2.1 million – about 3 percent of all U.S. children. Research shows that incarceration is strongly correlated with negative social and economic consequences for former prisoners and their families. Fathers' incarceration is also strongly linked to family hardship, including higher rates of homelessness and poor developmental outcomes in children.

Consequences for communities. Few studies have attempted to quantify the effects of incarceration on communities, and causal evidence on incarceration's specific effects on communities is lacking. However, it is clear that consequences of the decades-long build-up of the U.S. prison population have been most acute in poor minority neighborhoods that already suffer from an array of other social, economic, and public health disadvantages. Incarceration is concentrated in the communities that are least capable of absorbing its effects.

Consequences for society. The increase in incarceration rates has also had broader effects on U.S. society, the committee found. The widespread practice of denying the right to vote to those with a criminal record, as well as the way prisoners are counted in the U.S. census, combine to weaken the power of low-income and minority communities. Nearly one-third of African American men are estimated to be permanently ineligible to serve as jurors, compounding the problem of gross under-representation of African Americans on juries. In addition, the penal system has consumed larger portions of many government budgets, leaving less to spend on education, health care, economic development, state and local police, and other public purposes.

CONCLUSIONS AND RECOMMENDATION

The United States has gone past the point where the numbers of people in prison can be justified by social benefits, the report concludes. Because the dramatic growth in incarceration in recent decades has not clearly yielded large crime-prevention benefits and may have imposed a wide range of unwanted social, financial, and human costs, federal and state policymakers should revise current criminal justice policies to significantly reduce the use of incarceration and to explore alternatives. They should take steps to improve the experience of incarcerated men and women and to avoid unnecessary harm to their families and communities.

Three sets of policies should be reconsidered, according to the committee:

Sentencing policy. While detailed strategies for reducing incarceration must be decided by policymakers and the public, evidence points to some sentencing practices that yield uncertain benefits and impose large social, financial, and human costs. For example, unless lengthy sentences can be specifically targeted to very high-rate or extremely dangerous offenders, they are an inefficient approach to preventing crime. Long sentences, along with mandatory minimum sentences and policies on enforcement of drug laws, should be reexamined. Some states and the federal government have already begun to reconsider and alter these practices.

Prison policy. Given how damaging incarceration can be for some prisoners, families, and communities, steps should be taken to improve prison conditions and programs in ways that will reduce incarceration's harmful effects and foster the successful reintegration of former prisoners when they are released. Greater outside scrutiny of prison conditions would aid efforts to improve them. In addition, a broad review is needed of the penalties and restrictions faced by the formerly

GUIDING PRINCIPLES

Good justice policy rests not only on empirical research but also on a society's principles and values about the appropriate role of punishment. The committee elaborated four guiding principles with deep roots in jurisprudence and social policy:

- **Proportionality:** Criminal sentences should be proportionate to the seriousness of the crime.
- **Parsimony:** Punishment should not exceed the minimum needed to achieve its legitimate purpose.
- **Citizenship:** The conditions and consequences of imprisonment should not be so severe or lasting as to violate one's fundamental status as a member of society.
- **Social justice:** As public institutions in a democracy, prisons should promote the general well-being of all members of society.

The principles help to determine if the current system is aligned or in conflict with core values. As policymakers and the public consider the implications of the findings presented in the report, they should see these principles as complementing the recent emphasis on crime control and accountability. Together, they help define a balanced role for the use of incarceration in U.S. society.

incarcerated in their access to the social benefits, rights, and opportunities that might otherwise promote their successful reintegration.

Social policy. Reducing the severity of sentences will not, by itself, relieve the underlying problems of economic insecurity, low education, and poor health that are associated with incarceration in America's poorest communities. Solutions to these problems are outside the criminal justice system, and they will include policies that address school dropouts, drug addiction, mental illness, and neighborhood poverty – all of which are intimately connected with incarceration and necessitate a reassessment of the available social services.

As society reduces its heavy reliance on imprisonment, public officials will need effective alternative ways to respond to crime. To guide policymakers in the future, comprehensive research is needed to evaluate the effects of various sentencing policies that do not involve incarceration and programs designed to serve as alternatives to incarceration, including their effects on crime. Evaluations should also be conducted of in-prison programs designed to facilitate successful reentry and community based programs to support reintegration of formerly incarcerated men and women. Society as a whole will benefit from having more practical and efficient approaches to our criminal justice system.

COMMITTEE ON CAUSES AND CONSEQUENCES OF HIGH RATES OF INCARCERATION

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*Resigned fall 2013

For More Information . . . This brief was prepared by the Committee on Law and Justice based on the report *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (National Research Council, 2014). The study was sponsored by the U.S. Department of Justice and the John D. and Catherine T. MacArthur Foundation. Any opinions, findings, conclusions, or recommendations expressed in this publication are those of the authors and do not necessarily reflect those of the sponsors. Copies of the report are available from the National Academies Press, (800) 624-6242 or http://www.nap.edu, or by visiting the CLAJ website at http://sites.nationalacademies.org/DBASSE/CLAJ/index.htm