Can We Wait 60 Years to Cut the Prison Population in Half?

The U.S. prison population declined 11% in 10 years after reaching an all-time high in 2009. This modest reduction follows a nearly 700% increase in the prison population between 1972 and 2009.[1] As of year end 2019, 1.4 million people were in U.S. prisons; an imprisonment rate unmatched worldwide. At the recent pace of decarceration, it will take nearly six decades to cut the U.S. prison population in half.

This analysis is based on the most recent data from the Bureau of Justice Statistics on people serving sentences greater than one year. Since the coronavirus pandemic began in 2020, a number of states and the federal system have made additional, albeit limited, reductions in their prison populations. This analysis

underscores the need to reduce unnecessarily high levels of imprisonment amidst a public health crisis and going forward. Meaningful decarceration, as explained below, requires reducing excessive prison terms for violent convictions.
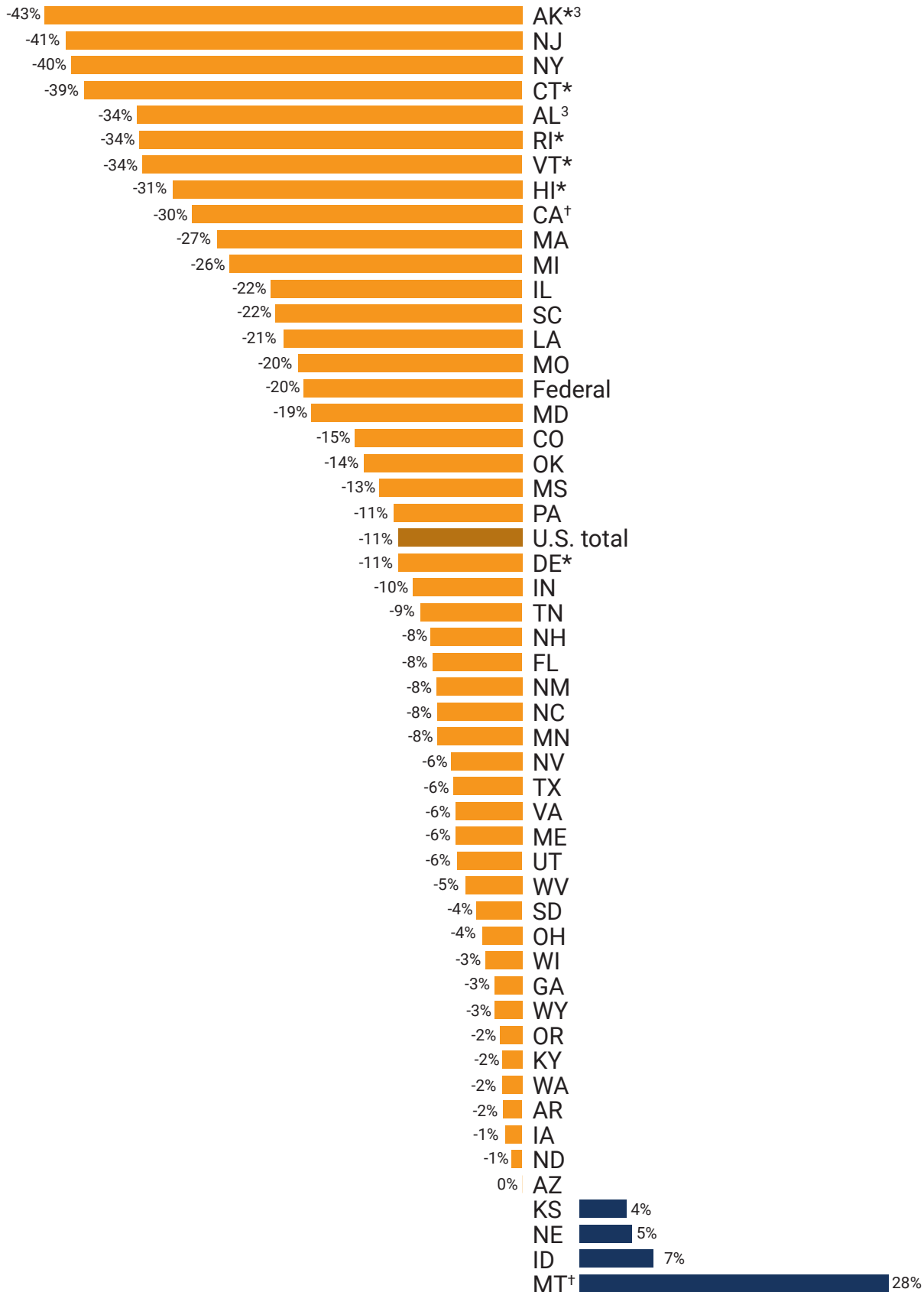
SIGNIFICANT VARIATION ACROSS STATES

All but four states have reduced their prison populations at least somewhat since reaching their peak levels. For 25 states, the reduction in imprisonment was less than 10%. The federal prison population downsized by 20% relative to its peak level in 2011.[2] Nine states have made significant progress in curbing mass incarceration by decarcerating 30% or more since reaching their peak

Figure 1. Historical and Projected U.S. State and Federal Prison Population, Based on 2009-2019 Rate of Decline
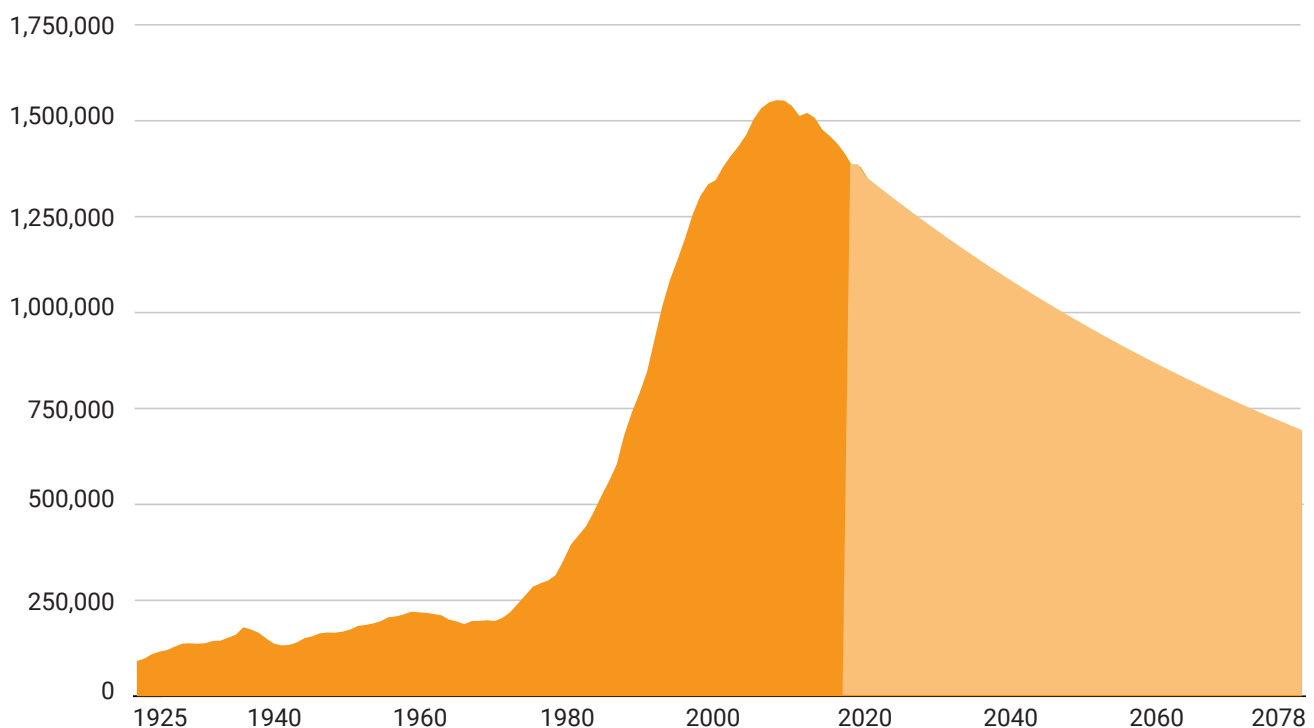
Source of historical figures: Bureau of Justice Statistics (1982) "Prisoners 1925-81"; Bureau of Justice Statistics Corrections Statistical Analysis Tool; Carson, E. A. (2020). *Prisoners in 2019*. Bureau of Justice Statistics. Available at: https://www.bjs.gov/content/pub/pdf/p19.pdf

Figure 2. U.S. Prison Population Trends Through 2019: Decreases Since Peak Year, Increases Since 2014

State	Change
AK*[3]	-43%
NJ	-41%
NY	-40%
CT*	-39%
AL[3]	-34%
RI*	-34%
VT*	-34%
HI*	-31%
CA[†]	-30%
MA	-27%
MI	-26%
IL	-22%
SC	-22%
LA	-21%
MO	-20%
Federal	-20%
MD	-19%
CO	-15%
OK	-14%
MS	-13%
PA	-11%
U.S. total	-11%
DE*	-11%
IN	-10%
TN	-9%
NH	-8%
FL	-8%
NM	-8%
NC	-8%
MN	-8%
NV	-6%
TX	-6%
VA	-6%
ME	-6%
UT	-6%
WV	-5%
SD	-4%
OH	-4%
WI	-3%
GA	-3%
WY	-3%
OR	-2%
KY	-2%
WA	-2%
AR	-2%
IA	-1%
ND	-1%
AZ	0%
KS	4%
NE	5%
ID	7%
MT[†]	28%

Note: See Table 1 for additional details.
* These data include jail populations because prisons and jails are an integrated system in these states.
† These states' trends may not be accurate due to data incomparability across years.
Source: Bureau of Justice Statistics *Prisoners Series* (1999-2019)

imprisonment levels: Alaska, New Jersey, New York, Connecticut, Alabama, Rhode Island, Vermont, Hawaii, and California.[3] Several of these states outpaced the nationwide crime drop while making prison population reductions that result from a mix of changes in policy and practice designed to reduce prison admissions and lengths of stay. Yet dangerous overcrowding persists in some of these states. In Alabama plans are underway to build additional prisons rather than reduce a still-bloated prison system, and the federal government is suing the state alleging serious Constitutional violations in the state's prisons. In addition to the insufficient pace of population reduction in most states, four states had their highest ever prison populations in 2019: Montana, Idaho, Nebraska, and Kansas.

MODEST PACE OF REFORMS

Although 46 states and the federal system have reduced their prison populations since reaching peak levels, the pace of reform has been slow to reverse nearly four decades of aggressive annual imprisonment growth.

At this pace of decarceration since 2009, averaging 1.2% annually, it will take 57 years — until 2078 — to cut the U.S. prison population in half.

Clearly, waiting nearly six decades to substantively alter a system that is out of step with the world and is racially biased is unacceptable.

MEANINGFUL DECARCERATION REQUIRES REFORMS FOR EXTREME SENTENCES

The United States has made only modest progress in ending mass incarceration despite a dramatic decline in crime rates. By year end 2019, reported crime rates had plummeted to half of their 1990s levels—as they did in many other countries that did not increase imprisonment levels.[4] Expediting the end of mass incarceration will require accelerating the end of the Drug War and scaling back sentences for all crimes, including violent offenses for which half of people in prison are serving time.[5]

Figure 3: U.S. Prison Population by Conviction Offense, 1980-2018
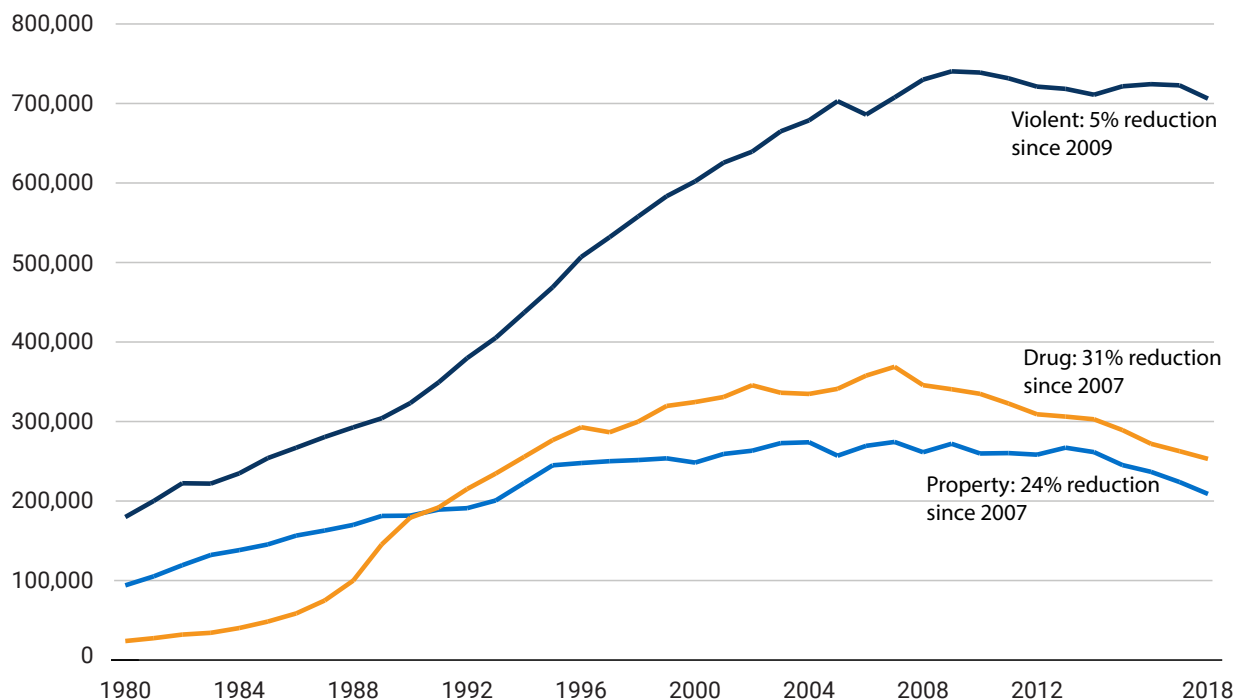
Note: Reductions are from years when the prison population for that offense category reached its peak. Based on sentenced prison populations in state and federal systems. Chart omits public order and other/unspecified offenses, for which an additional 244,604 people were imprisoned in 2018, a peak historical level.
Source: Bureau of Justice Statistics *Prisoners Series* (1994-2019)

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THE SENTENCING PROJECT

Table 1: U.S. Prison Population Trends Through 2019: Decreases Since Peak Year, Increases Since 2014

Jurisdiction	Peak to 2019	Peak Year
Alaska *[3]	-42.8%	2006
New Jersey	-40.9%	1999
New York	-40.4%	1999
Connecticut*	-39.2%	2007
Alabama[3]	-34.5%	2012
Rhode Island*	-34.3%	2008
Vermont*	-34.0%	2009
Hawaii*	-31.3%	2005
California†	-29.6%	2006
Massachusetts	-27.3%	2011
Michigan	-26.2%	2006
Illinois	-22.5%	2012
South Carolina	-22.1%	2009
Louisiana	-21.4%	2012
Missouri	-20.1%	2017
Federal	-19.6%	2011
Maryland	-18.9%	2007
Colorado	-15.0%	2008
Oklahoma	-14.2%	2016
Mississippi	-12.8%	2008
Pennsylvania	-11.5%	2011
U.S. total	-11.1%	2009
Delaware*	-11.1%	2007
Indiana	-9.8%	2013
Tennessee	-9.1%	2017
New Hampshire	-8.2%	2007
Florida	-8.0%	2010
New Mexico	-7.7%	2017
North Carolina	-7.6%	2014
Minnesota	-7.6%	2015
Nevada	-6.4%	2017
Texas	-6.2%	2010
Virginia	-6.0%	2015
Maine	-6.0%	2007
Utah	-5.8%	2013
West Virginia	-5.1%	2016
South Dakota	-4.1%	2017
Ohio	-3.6%	2015
Wisconsin	-3.3%	2018
Georgia	-2.5%	2009
Wyoming	-2.5%	2018
Oregon	-2.0%	2018
Kentucky	-1.9%	2017
Washington	-1.8%	2017
Arkansas	-1.7%	2017
Iowa	-1.5%	2018
North Dakota	-0.9%	2015
Arizona	0.0%	2015
Jurisdiction	**2014 to 2019**	**Peak Year**
Kansas	4.2%	2019
Nebraska	4.7%	2019
Idaho	6.6%	2019
Montana†	27.7%	2019

* These data include jail populations because prisons and jails are an integrated system in these states.
† These states' trends may not be accurate due to data incomparability across years.
Source: Bureau of Justice Statistics Prisoners Series (1999-2019)

Past reforms have helped to reduce the number of people imprisoned for a drug offense by 31% between peak year 2007 and 2018. The number of people imprisoned for a property offense has declined by 24% between peak year 2007 and 2018. But for the half of the prison population imprisoned for a violent crime—which ranges from certain burglaries, robbery, and assault to rape and murder—reforms remain elusive. Overall, the number of people imprisoned for a violent offense has only declined by 5% between peak year 2009 and 2018, despite substantial declines in violence since the mid-1990s. Longer prison terms have prevented this segment of the prison population from contracting alongside a historic crime drop.

A key driver of mass incarceration has been the dramatic growth in prison terms, including the unprecedented growth in life imprisonment such that the population serving life sentences in 2016 exceeded the total prison population in 1970. The reluctance to scale back extreme sentences is at odds with evidence that long sentences incapacitate older people who pose little public safety threat, produce limited deterrent effect, and detract from more effective investments in public safety. Expediting the end of mass incarceration will require moderating prison terms for violence as well as minimizing imprisonment and prison terms for non-violent crimes.

NOTES

1. The imprisonment rate per 100,000 U.S. residents, which accounts for population growth, grew from 93 in 1972 to 506 in 2008. It then declined by an average of 2% annually until 2019. At this rate, it would take 39 years—until 2060—to halve the imprisonment rate, and until 2107—86 years—to return to 1972's rate of imprisonment. See Figure 1 for source information.
2. This figure is based on the number of people serving sentences longer than one year. The Bureau of Prisons reports that the total population under its jurisdiction decreased by 29% between peak year 2013 and October 1, 2020. This followed a nearly 800% increase in the federal prison population since 1980.
3. Alaska and Alabama are poised to reverse some of this progress. Prompted by its governor, in 2019 Alaska's state legislature repealed several aspects of a major criminal justice overhaul, Senate Bill 91. Alabama's prison population increased by 6% between September 2018 and January 2020, and recent changes in the state's parole policies and practices are poised to further undo the state's decarceration.
4. Federal Bureau of Investigation Uniform Crime Reporting Program; Doob, A., & Webster, C. (2006). Countering punitiveness: Understanding stability in Canada's imprisonment. Law & Society Review, 40(2), 325–367; Tseloni, A., Mailley, J., & Garrell, G. (2010). Exploring the international decline in crime rates. *European Journal of Criminology*, 7(5), 375–394
5. Carson, E. A. (2020). *Prisoners in 2018*. Bureau of Justice Statistics. Available at: https://www.bjs.gov/content/pub/pdf/p18.pdf