

# The Growth of **INCARCERATION** in the United States

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ISSUE BRIEF

## Consequences for Society

After decades of stability, U.S. federal and state prison populations escalated steadily between 1973 and 2009, growing from about 200,000 people to 1.5 million. The increase was driven more by changes in policy—measures that imprisoned people for a wider range of offenses and imposed longer sentences—than by changes in crime rates. Has this greater reliance on incarceration yielded significant benefits for the nation, or is a change in course needed?

To answer that question, a committee of the National Research Council examined the best available evidence on the effects of high rates of incarceration. The committee found no clear evidence that greater reliance on imprisonment achieved its intended goal of substantially reducing crime. Moreover, the rise in incarceration may have had a wide range of unwanted consequences for society, communities, families, and individuals. The committee's report, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, urges policymakers to reduce the nation's reliance on incarceration and seek crime-control strategies that are more effective, with better public safety benefits and fewer unwanted consequences.

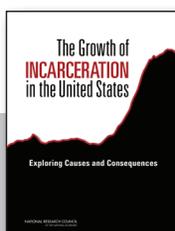


### Rise of Incarceration Has Had Broad Effects on Society

The expansion of the criminal justice system's footprint in society has had broad effects on civic and political participation, on fundamental notions of citizenship, and on the use of public resources. A growing proportion of U.S. citizens has been denied a range of rights and access to many public benefits, becoming increasingly marginalized in civic and political life. These impacts have fallen most heavily on urban minority neighborhoods that already suffer from significant social and economic disadvantages.

**Restrictions on voting rights.** Many state laws deny the right to vote to people with a felony conviction, including those who have completed their sentences. As of 2010, nearly 6 million people were barred from voting for this reason, a fivefold increase since 1976. One of every 13 African Americans of voting age is disenfranchised – a restriction that, combined with the way prisoners are counted in the U.S. census (see below), has weakened the political power of low-income and minority communities.

**Census counts and legislative redistricting.** In every state except Maine and Vermont, imprisoned felons are barred from voting. Yet these same disenfranchised prisoners are included in the U.S. census's population tallies for the jurisdictions where prisons are located. These tallies are used to reapportion congressional representation and seats in state government bodies. This practice bolsters the electoral representation of areas where prisons are located and dilutes the votes of the prisoners' home neighborhoods. (Since 2010, several states have enacted laws that call for counting prisoners at their last address instead of their prison address.)



### THE GROWTH OF INCARCERATION IN THE UNITED STATES Exploring Causes and Consequences

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**Denial of jury service.** Dozens of states and the federal government ban former felons from jury service for life. As a result, nearly one-third of African American men in the United States are estimated to be permanently ineligible to serve as jurors, a development that contributes to the problem of the gross underrepresentation of African Americans on juries.

**Forfeiture of public benefits.** 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 that may contribute to their successful reintegration into society.

**Impacts on state budgets.** Adjusted for inflation, states' combined corrections spending from 1980 to 2009 grew by just over 400 percent; local spending for jails and federal spending for prisons followed similar patterns. Budget allocations for incarceration have outpaced budget increases for nearly all other key government services, often by wide margins. Today, state spending on corrections is the third highest category of general fund expenditures in most states, ranked behind Medicaid and education. As the penal system has consumed larger portions of state budgets, less has been available to spend on education, health care, economic development, state and local police, and other public purposes.

## **Policymakers Should Reduce Use of Incarceration, Review Restrictions**

Given that high rates of incarceration have not clearly yielded substantial crime-control benefits and may have had high societal costs, policymakers should revise current criminal justice policies to significantly reduce the rate of incarceration and to seek more effective and less harmful alternatives. In addition, a broad review is needed of the penalties and restrictions faced by formerly incarcerated people to the social benefits, rights, and opportunities that might otherwise promote their successful reintegration.

These steps on their own will not relieve the underlying problems of economic insecurity, low education, and poor health that are associated with incarceration in the nation's poorest communities. Solutions to these problems are outside the criminal justice system, and they will include policies that address school dropout rates, drug addiction, mental illness, and neighborhood poverty – all of which are intimately connected to incarceration. Sustainably reducing incarceration may in part depend on whether services and programs – drug treatment, health care, employment, and housing -- are sufficient to meet the needs of those who would otherwise be imprisoned. To the extent that government budgets are squeezed by supporting the penal system, funds are less available for these kinds of public services.

## **Principles to Guide Policy**

In a democratic society, policymakers need to consider not only empirical evidence but also principles and values as they determine policies for punishment. The following four principles have helped shape criminal justice in the United States and Europe for hundreds of years. Policymakers should consider these principles as they weigh sentencing and prison policies:

- **Proportionality:** Is the severity of sentences appropriate to the seriousness of the crime?
- **Parsimony:** Is the punishment the minimum necessary to achieve its intended purpose?
- **Citizenship:** Do the conditions and consequences of punishment allow the individual to retain his or her fundamental status as a member of society, rather than violating that status?
- **Social justice:** Do prison policies promote and not undermine the nation's aspirations to be fair in terms of the rights, resources, and opportunities people have?

These principles should complement the objectives of holding offenders accountable and combating crime. Together, they help define a balanced role for the use of incarceration in U.S. society.

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