

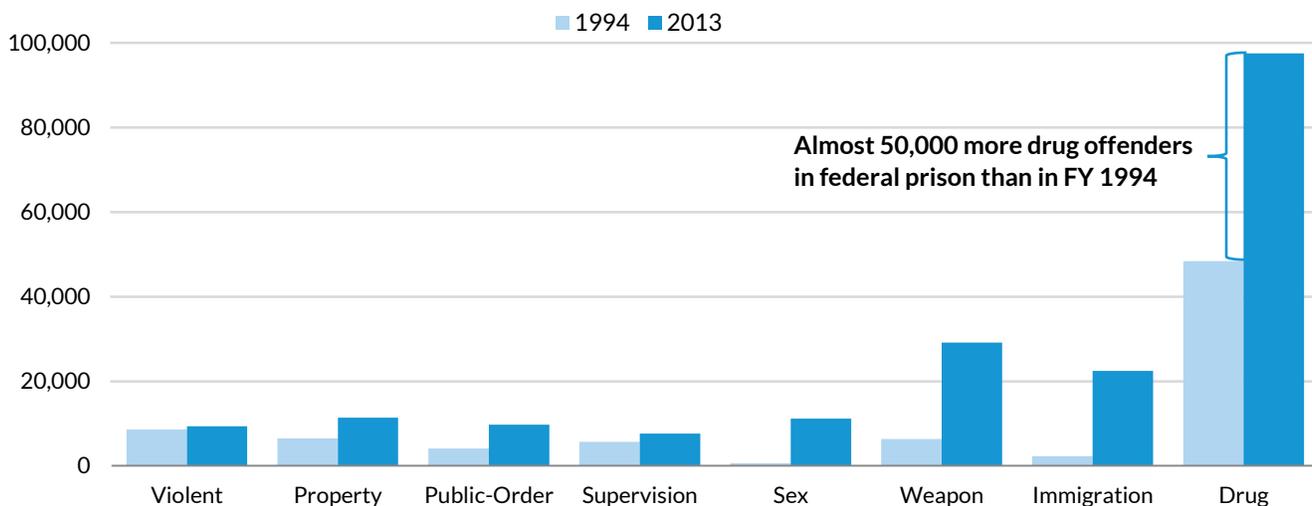
Drivers of Growth in the Federal Prison Population

The federal prison population has grown by 750 percent since 1980, resulting in rapidly increasing expenditures for incarceration and dangerous overcrowding.¹ In response, Congress created the Charles Colson Task Force on Federal Corrections to examine trends in correctional growth and develop practical, data-driven policy responses. Following the example of many states that have recently engaged in criminal justice reform,² the first step for the Task Force is to understand the underlying drivers of growth in the prison population.

Number of Drug Offenders More than Doubled in Past 20 Years

The biggest driver of growth in the prison population is in federally sentenced drug offenders, almost all of whom were convicted of drug trafficking.³ In fiscal year (FY) 2013, there were almost 50,000 more drug offenders in federal prisons than there were in FY 1994. Incarceration for drug offenses disproportionately affects nonwhite offenders: in FY 2013, over 75 percent of all drug offenders in federal prison were black or Hispanic.

Federally Sentenced Drug Offenders Drove Growth in Prison Population

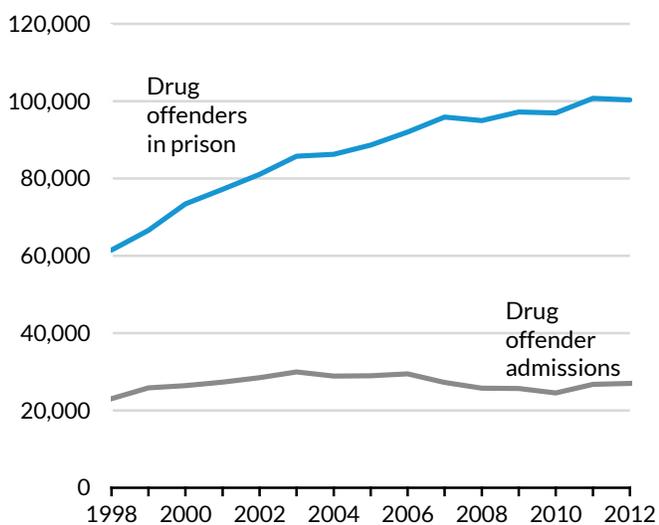


Source: Urban Institute analysis of FY 1994 and FY 2013 Bureau of Prisons data.

Drug Offenders More Likely to Go to Prison, Serving Lengthy Sentences

The population growth is driven by both the number of people who are admitted to prison for drug crimes every year and the length of their sentences. In FY 2013, more people were admitted to federal prison for drug crimes than any other crime type, and the average sentence for those entering prison was almost six years. *Every year, about 95 percent of federally sentenced drug offenders receive a term of incarceration as part of their sentence,⁴ up from about 76 percent in the year before the passage of the Anti-Drug Abuse Act in 1986, which established mandatory minimum penalties for certain drug offenses.⁵*

In particular, length of stay for drug offenders, often dictated by statutory mandatory minimum penalties, has driven most of the recent growth. Though the number of admissions has remained largely constant over time, the number of drug offenders in federal prison has increased because of people serving longer sentences.



Length of stay for drug offenses, a key driver of growth in the federal prison population, is partly determined by characteristics of the current offense and relevant criminal history information. For drug offenders in federal prison at the end of FY 2013,

- the average sentence was 11 years, and almost all will serve at least 87 percent of the sentence;
- three in five were sentenced pursuant to a statutory mandatory minimum penalty for drug trafficking;
- one in three were in the lowest criminal history category at time of sentencing; and
- one in four sentences for drug offenses⁶ explicitly accounted for weapon involvement.

Source: Bureau of Justice Statistics Federal Criminal Case Processing Statistics, FY 1998-2012.

Notes

1. Julie Samuels, Nancy La Vigne, and Samuel Taxy, *Stemming the Tide: Strategies to Reduce the Growth and Cut the Cost of the Federal Prison System* (Washington, DC: Urban Institute, 2013); Nancy La Vigne and Julie Samuels, "The Growth and Increasing Cost of the Federal Prison System: Drivers and Potential Solutions" (Washington, DC: Urban Institute, 2012); and Nathan James, "The Federal Prison Population Buildup: Overview, Policy Changes, Issues, and Options" (Washington, DC: Congressional Research Service, 2013).
2. Nancy La Vigne, Samuel Bieler, Lindsey Cramer, Helen Ho, Cybele Kotonias, Deborah Mayer, David McClure, Laura Pacifici, Erika Parks, Bryce Peterson, and Julie Samuels, *Justice Reinvestment Initiative State Assessment Report* (Washington, DC: Urban Institute, 2014).
3. Offense categorization is based on the Bureau of Prisons' determination of most serious offense. At the end of FY 2013, over 99 percent of drug offenders in federal prison were convicted of drug trafficking. The source of all data presented herein (unless otherwise noted) is Urban Institute analysis of data provided by the Bureau of Prisons and US Sentencing Commission, FY 1994-FY 2013.
4. USSC (United States Sentencing Commission), *Sourcebook of Federal Sentencing Statistics* (Washington, DC: USSC, 2004-14).
5. Bureau of Justice Statistics, "Federal Offenses and Offenders: Sentencing and Time Served" (Washington, DC: US Department of Justice, 1987).
6. Includes only those sentenced FY 1998-2013.