

THE PRISON SYSTEM IN THE UNITED STATES: OVERVIEW & BACKGROUND

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The United States has experienced a sharp increase in its prison population in the past thirty years. With only 5 percent of the world's reported population, the United States has 25 percent of the world's prison population. There are 2.3 million Americans in federal, state, and local prisons and jails, more than in any other country in the world. All told, more than 7 million Americans are under some form of correction supervision, including probation and parole.

In light of these astounding figures, Senator Jim Webb has chaired two hearings before the Joint Economic Committee (JEC) and an academic symposium at George Mason University to determine the causes of these alarming trends and the resulting impact on America society.

It is evident from those hearings that U.S. drug policy has a tremendous influence on the criminal justice system. The Anti-Drug Abuse Act of 1986 created mandatory minimum sentences for the possession of drugs. Since mandatory sentencing guidelines were introduced in 1986, more than 100,000 people have received mandatory five-year sentences. Unfortunately, many arrests have primarily affected low-level drug dealers and users rather than drug kingpins, and we are still witnessing the devastating impacts on many American communities.

The symposium discussions emphasized that our current combination of interdiction, enforcement, diversion, treatment, and prevention is not working the way we need it to. And, despite the ease with which drugs can be obtained, the decreasing price of some drugs, the number of people in prison, and violence at the border, there has been little effort to take a comprehensive look at the relationship between the many interlocking pieces of drug policy.

Senator Webb is committed to examining the economic and social impact of the current U.S. criminal justice system. The central challenge for all Americans is to understand the full dynamics of this problem, and to assist in pointing the way toward effective solutions.

KEY POINTS & FACTS

- **The United States has the highest reported incarceration rate in the world.** While the United States currently incarcerates 750 inmates per 100,000 persons, the world average rate is 166 per 100,000 persons. Russia, the country with the second highest incarceration rate, imprisons 624 per 100,000 persons. Compared to its democratic, advanced market economy counterparts, the United States has more people in prison by several orders of magnitude. Although crime rates have decreased since 1990, the rate of imprisonment has continued to increase.

- **Growth in the prison population is due to changing policy, not increased crime.** Many criminal justice experts have found that the increase in the incarceration rate is the product of changes in penal policy and practice, not changes in crime rates. Changes in sentencing, both in terms of time served and the range of offenses meriting incarceration, underlie the growth in the prison population.
- **Changes in drug policy have had the single greatest impact on criminal justice policy.** The Anti-Drug Abuse Act of 1986 created mandatory minimum sentences for possession of specific amounts of cocaine. The Act instituted a **100-to-1 differential in the treatment of powder and crack cocaine**, treating possession of 5 grams of crack cocaine the same as possession of 500 grams of powder cocaine. Crack cocaine is typically consumed by the poor, while powder cocaine, a significantly more expensive drug, is consumed by wealthier users. Mandatory minimum sentences for low-level crack-cocaine users are comparable (and harsher in certain cases) to sentences for major drug dealers.
- **The composition of prison admissions has also shifted toward less serious offenses, characterized by parole violations and drug offenses.** In 2005, four out of five drug arrests were for possession and one out of five were for sales. The crime history for three-quarters of drug offenders in state prisons involved non-violent or drug offenses.
- **The prison system has a disproportionate impact on minority communities.** African Americans, who make-up 12.4 percent of the population, represent more than half of all prison inmates, compared to one-third twenty years ago. Although African Americans constitute 14 percent of regular drug users, they are 37 percent of those arrested for drug offenses, and 56 percent of persons in state prisons for drug crimes. African Americans serve nearly as much time in federal prisons for drug offenses as whites do for violent crimes.
- **The U.S. prison system has enormous economic costs associated with prison construction and operation, productivity losses, and wage effects.** In 2006, states spent an estimated \$2 billion on prison construction, three times the amount they were spending fifteen years earlier. The combined expenditures of local governments, state governments, and the federal government for law enforcement and corrections total over \$200 billion annually. In addition to these costs, the incarceration rate has significant costs associated with the productivity of both prisoners and ex-offenders. The economic output of prisoners is mostly lost to society while they are imprisoned. Negative productivity effects continue after release. This wage penalty grows with time, as previous imprisonment can reduce the wage growth of young men by some 30 percent.
- **Prisons are housing many of the nation's mentally ill.** Prisons are absorbing the cost of housing the nation's mentally ill. The number of mentally ill in prison is nearly five times the number in inpatient mental hospitals. Large numbers of mentally ill inmates, as well as inmates with HIV, tuberculosis, and hepatitis also raise serious questions regarding the costs and distribution of health care resources.

- **The United States faces enormous problems of offender reentry and recidivism.** The number of ex-offenders reentering their communities has increased fourfold in the past two decades. On average, however, two out of every three released prisoners will be rearrested and one in two will return to prison within three years of release.