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Examining Growth in the Federal Prison Population, 1998 to 2010

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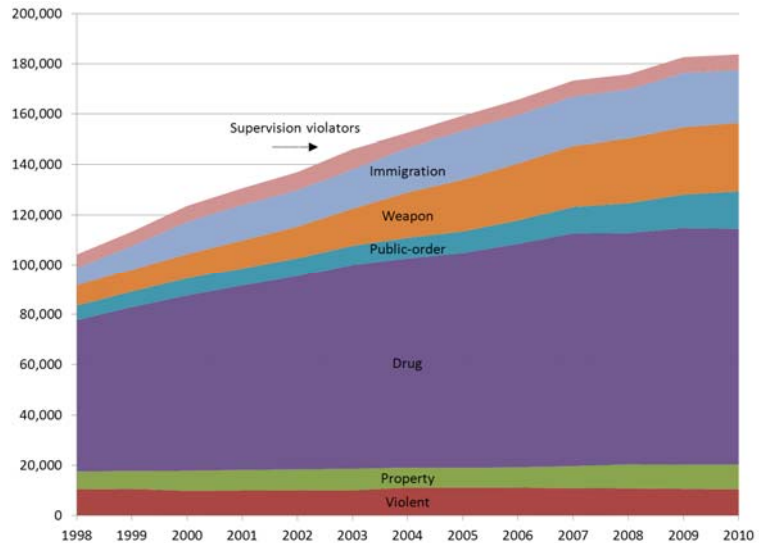
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HIGHLIGHTS

- The number of convicted offenders serving time in prison for federal crimes increased by 77%—from 104,413 to 184,809—between fiscal years 1998 and 2010. The number of prisoners increased in every major offense category (Figure H1).
- Drug offenders continued to form the majority (51%) of the prison population in 2010, even though weapon and immigration offenders constituted increasingly greater shares of new admissions throughout the 1998-2010 period.
- The number of weapon and immigration offenders in prison at yearend tripled and, by 2010, formed 15% and 12%, respectively, of the total prison population.
- An increase in prisoners' expected time to be served was, by far, the leading factor contributing to federal prison population growth, accounting for over one-half of the population increase during the 1998-2010 period (Figure H2). In fact, the increase in the time to be served by drug offenders alone accounted for one-third of total growth in the federal prison population.

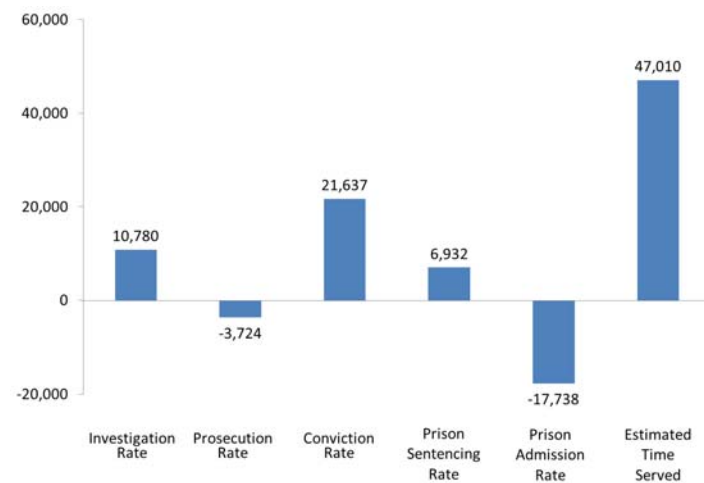
Figure H1. Federal prison population at yearend, by offense, 1998–2010



Source: Federal Bureau of Prisons fiscal year data, as standardized by BJS' Federal Justice Statistics Program

Note: Includes only U.S. district court commitments to federal prison and supervision violators

Figure H2. Prison population growth associated with each stage of criminal case processing, 1998–2010



Source: Analysis of BJS' Federal Justice Statistics Program data

Note: Includes only U.S. district court commitments to federal prison and supervision violators

- Heightened federal enforcement activity between 1998 and 2010 and higher conviction rates in federal cases both contributed to growth in the number of prison admissions and the total prison population. Key factors were increased enforcement of immigration and weapon offenses (accounting for 19% and 10%, respectively, of growth in the prison population), as well as higher conviction rates in drug cases (responsible for 16% of prison population growth).
- Additionally, a higher share of convicted offenders received prison sentences from the courts in 2010 than in 1998. This factor especially contributed to growth among non-regulatory public-order offenders (e.g., obscene materials) and non-fraudulent property offenders (e.g., larceny). (See the *Methodology* for a complete list of offenses within these categories).
- While the proportion of offenders sentenced to prison increased, the share of sentenced offenders who actually entered prison decreased between 1998 and 2010, suggesting changes in the process by which offenders are committed and admitted to federal prisons. Suspended sentences were imposed more often in 2010 than in 1998, and offenders were more likely to have completed short-term sentences in detention facilities instead of being transferred to prison. Decreases in federal prosecution rates also curtailed prison population growth.

OVERVIEW

The federal prison population¹—defined here as Federal Bureau of Prisons (BOP) inmates² who were convicted of federal crimes—grew by 77% between 1998 and 2010. The number of prisoners increased by 80,396 persons, from 104,413 convicted offenders at yearend in 1998 to 184,809 in 2010.³ This report identifies and quantifies the sources of this growth using statistical decomposition techniques applied to data from BJS’ Federal Justice Statistics Program (FJSP).⁴ The analysis describes how the size and composition of the federal prison population have changed over time and apportions this population growth into the shares associated with the different stages of the criminal justice process that determine who is sent to prison and the duration of their incarceration.

An increase in prisoners’ expected time to be served was, by far, the leading determinant of prison population growth, accounting for over one-half (47,010 prisoners) of the net population increase between 1998 and 2010. Higher conviction rates were responsible for one-quarter of the growth (21,637 prisoners), while increased enforcement efforts and higher rates of sentencing to prison each contributed roughly one-tenth of the overall growth in the prison population (10,780 and 6,932 prisoners, respectively). On the other hand, two changes in case processing practices had a suppressive effect on the prison population. The rate at which persons sentenced to prison by the courts were actually admitted to BOP⁵ decreased and there was a modest decline in the prosecution rate.

The increase in expected time served by drug offenders was the single greatest contributor to growth in the federal prison population between 1998 and 2010.

The increase in time to be served by drug offenders alone accounted for nearly one-third of total federal prison population growth between 1998 and 2010. Other offense-specific factors that contributed to growth included increased enforcement efforts against immigration and weapon violators (19% and 10% of growth, respectively), as well as a higher conviction rate for drug defendants (16% of growth).

Drug offenders continued to make up the majority of the yearend federal prison population during this period and accounted for 42% of the growth in prison population, despite increases in the number of immigration and weapon offenders admitted to prison between 1998 and 2010. Growth in the number of drug offenders in prison resulted from increases in expected time served and conviction rates for drug offenses, even though the rate of drug enforcement declined. Although increasing numbers of immigration offenders were arrested, convicted, and sentenced to prison between 1998 and 2010, they typically did not stay in prison for long enough to contribute as much to the size of the standing population.

PRISON POPULATION CHANGE BETWEEN 1998 AND 2010

The number of federal prisoners increased by 77%, from 104,413 in 1998 to an all-time high of 184,809 in 2010. The greatest increases were in the numbers of drug, weapon, immigration, and non-regulatory public-order offenders.

There were 80,396 more convicted federal offenders in prison in 2010 than there were in 1998. The yearend population grew at an average of 5% per year (data not shown in a table). Increases were observed in every major offense category (Table 1; detailed offense categories are presented in Appendix Table A4). The greatest increases, respectively, were in the number of drug, weapon, immigration, and non-regulatory public-order offenders.⁶ Together, these four offense types accounted for 93% of growth in the federal prison population.

- There were 34,043 more prisoners serving time for drug offenses in 2010 than in 1998. This accounted for 42% of the total growth in the prison population and represents a 57% increase over the number of drug offenders in 1998.
- The number of weapon offenders in prison grew by 18,950 individuals, and comprised 24% of the total growth in the prison population. This offense category experienced the greatest percentage change over 1998 levels, as the number of weapon offenders more than tripled from 8,147 to 27,097 prisoners in 2010.
- Immigration offenders increased by 14,019 prisoners, constituting 17% of growth in the prison population. The magnitude of change in the number of immigration offenders was similar to that of weapon offenders, as the number nearly tripled from 7,028 prisoners in 1998 to 21,047 in 2010.
- The number of prisoners convicted of non-regulatory public-order offenses grew by 8,127 individuals, which was 10% of the total prison population growth. The count of non-regulatory public-order offenders more than doubled, from 4,826 prisoners in 1998 to 12,953 in 2010. Over three-quarters of these added prisoners were convicted of obscene material offenses; most of the remainder were convicted of racketeering and extortion.
- The numbers of prisoners convicted of violent, property, and supervision violation offenses also increased between 1998 and 2010, but the degree of change was relatively small.

Table 1. Federal prison population at yearend 1998 and 2010, by offense

Most serious original offense of conviction	1998		2010		Growth from 1998 to 2010	
	Population at end of year	Percent	Population at end of year	Percent	Number of prisoners	Percentage points
All prisoners*	104,413	100.0 %	184,809	100.0 %	80,396	n/a
Violent offenses	10,331	9.9	10,505	5.7	174	-4.2
Property offenses	7,083	6.8	9,748	5.3	2,665	-1.5
Fraudulent	5,589	5.4	8,146	4.4	2,557	-0.9
Other	1,494	1.4	1,602	0.9	108	-0.6
Drug offenses	60,179	57.9	94,222	51.3	34,043	-6.6
Public-order offenses	5,770	5.5	14,858	8.1	9,088	2.5
Regulatory	944	0.9	1,905	1.0	961	0.1
Other	4,826	4.6	12,953	7.1	8,127	2.4
Weapon offenses	8,147	7.8	27,097	14.7	18,950	6.9
Immigration offenses	7,028	6.8	21,047	11.5	14,019	4.7
Supervision violation	5,467	5.3	6,241	3.4	774	-1.9

Source: Federal Bureau of Prisons fiscal year data, as standardized by BJS' Federal Justice Statistics Program

Note: Includes only U.S. district court commitments to federal prison and supervision violators

*Total includes prisoners whose offense category could not be determined (1998 = 408; 2010 = 1,091).

It should be noted that the 1998-2010 increase in the federal prison population builds onto a period of unprecedented growth dating back to the 1980s. During the 1985-1992 period alone, the federal prison population doubled in size from about 40,000 to 80,000 offenders (Beck and Gilliard, 1994). This period of growth coincided with several major federal initiatives, including the Sentencing Reform Act of 1984, which introduced mandatory federal sentencing guidelines, implemented an 85 percent truth-in-sentencing requirement, and abolished discretionary parole. Other reforms, such as the Anti-Drug Abuse Acts of 1986 and 1988, increased statutory penalties, particularly for drug offenders. These and other lengthy mandatory sentencing requirements continued to affect federal prison population growth through the 1990s and 2000s.

Drug offenders continued to form the majority of the prison population in 2010, but the proportions of weapon, immigration, and non-regulatory public-order offenders have increased since 1998.

Prison population growth was not evenly distributed across offense types, and a number of shifts were observed in the relative proportions of each offense type (Table 1). While the number of drug offenders increased from 60,179 to 94,222, their proportion of the prison population declined over time. Drug offenders were 58% of all prisoners in 1998, but by yearend 2010, they formed just over one-half (51%) of the prison population. The numbers of weapon, immigration, and non-regulatory public-order offenders grew two- to three-fold, substantially increasing their proportional shares of the prison population.

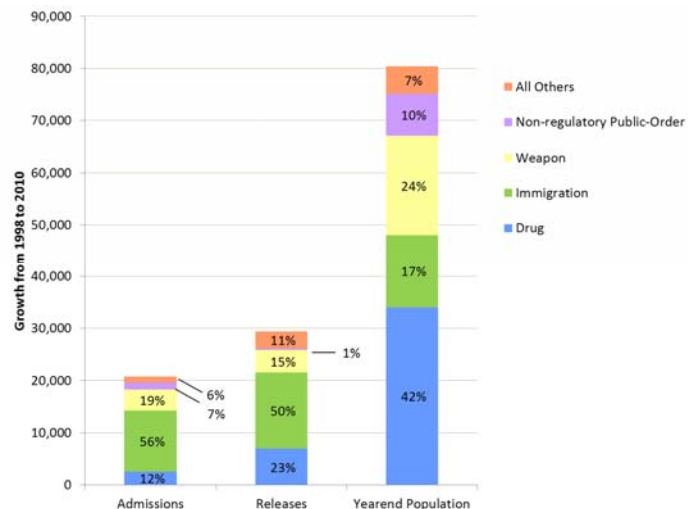
- Persons convicted of weapon offenses constituted 15% of the prison population in 2010, an increase of 7 percentage points from 1998.
- Immigration offenders formed 12% of the population in 2010, up by 5 percentage points from 1998.

- Non-regulatory public-order offenders, composed largely of obscene material and racketeering offenders,⁷ were 7% of the prison population in 2010, up by 2 percentage points over 1998.
- While the numbers of prisoners in all offense categories increased, persons with violent, property, and supervision violation offenses formed smaller shares of the prison population in 2010 than they did in 1998.

Growth in the prison population differed from the growth in prison admissions and releases. Trends in admissions and releases alone did not adequately describe population growth.

Immigration offenses were the leading source of growth in prison admissions, yet drug offenders led growth in the prison population between 1998 and 2010 (Figure 1). While immigration offenders accounted for over one-half of the growth in admissions (56%), they formed just 17% of the growth in the prison population. Drug offenders formed a relatively smaller share of the growth in admissions (12%) but were the leading source of growth in the prison population (42%). On the surface, the high proportion of drug offenders in the 2010 yearend prison population (51%, shown in Table 1) stands in contrast to the increase in immigration admissions over the period (Appendix table A2).

Figure 1. Growth in prison admissions, releases, and yearend population, 1998 to 2010, and the proportion from each offense type



Source: Federal Bureau of Prisons fiscal year data, as standardized by BJS' Federal Justice Statistics Program

Note: Includes only U.S. district court commitments to federal prison and supervision violators

This seeming contradiction illustrates the lasting effects of time served beyond the volume of offenders entering prison, and the decomposition model findings presented next in this report quantify those effects. Despite a large increase in immigration admissions, their contribution to population growth was relatively small because of their shorter prison terms (Appendix Table A2); immigration offenders did not stay in prison for long enough to have a greater effect on the size of the standing population. While incoming drug offenders made up a smaller portion of the growth in admissions, they received considerably longer sentences and joined other drug offenders who were already serving lengthy terms in prison.

FRAMEWORK FOR UNDERSTANDING GROWTH IN THE FEDERAL PRISON POPULATION

The size of the prison population reflects each of the events leading up to incarceration, as well as the length of time served in prison.

Changes in prison admissions and the time served by offenders are the primary determinants of growth in the prison population. These factors, in turn, can be understood as the cumulative end product of investigative and prosecutorial practices that determine the number and types of offenses brought to federal courts; decisions about whether to convict in a given case; sentencing decisions about whether and for how long to incarcerate convicted offenders; and release practices that govern length of stay. Together, changes in these factors shape changes in the size and composition of the prison population. Using statistical decomposition techniques, we assessed the relative contribution of each of these decision points in the criminal justice process to the growth in the federal prison population from 1998 to 2010.

Model and measures used to explain prison population growth

The size of the prison population reflects the conditional probability of each of the events leading up to incarceration, as well as the expected length of time served in prison. We used statistical decomposition methods similar to Blumstein and Beck (2005) and Sabol (2010) to disentangle the relative contribution of each of these case processing stages to the prison population growth observed between 1998 and 2010. (See *Methodology* for a detailed description of analytic methods, data sources, and limitations.) We used aggregate, offense-level FJSP data collected at each stage of federal criminal justice case processing to quantify the probability of advancing through each stage and ending up in the prison population. These “transition rates” are presented in Table 2.

- The probability of being investigated for a federal crime was measured as the ratio of suspects in matters investigated by U.S. attorneys to the size of the general population. This rate reflects a combination of offending and federal law enforcement response and is hereafter referred to as “enforcement” or “investigation.”
- The probability of prosecution was defined as the ratio of the number of defendants in cases filed in U.S. district court to the number of suspects in matters investigated, and can be interpreted as a measure of prosecutorial decision-making.
- The conviction rate was computed as the ratio of defendant-cases convicted in U.S. district court relative to case filings, and reflects the adjudication process.
- The prison sentencing rate measures the extent to which convicted offenders received a court-imposed sentence to prison. This rate was calculated as the ratio of prison sentences to convictions, and can be interpreted as a measure of the sentencing process.

- The prison admission rate estimates the extent to which offenders who were sentenced to prison actually entered prison. Not all offenders sentenced to prison actually serve their time in prison; judges may impose but suspend a prison sentence, or offenders may have served the entirety of their imposed sentences in the same facilities as their pre-trial detention. This rate was computed as the number of prison admissions relative to prison sentences.
- Expected time served reflects both sentencing decisions and release practices. This was estimated as the “stock-to-flow ratio,” calculated by dividing the yearend prison population by the number of prison admissions. Note that this estimate of the time to be served may underestimate prisoners’ true lengths of stay in prison.⁸

Table 2. Transition rates between stages of federal criminal case processing, by offense, 1998 and 2010

	Investigations per 100,000 people		Prosecutions per 100 investigations		Convictions per 100 prosecutions		Prison Sentences per 100 convictions		Prison Admissions per 100 prison sentences		Estimated Time Served (mo)	
	1998	2010	1998	2010	1998	2010	1998	2010	1998	2010	1998	2010
All offenses*	48.4	56.7	59.7	57.0	78.0	90.0	74.6	85.6	111.6	92.9	24.7	31.0
Violent offenses	2.4	1.8	56.1	56.2	81.3	89.8	88.4	90.6	93.5	74.2	51.0	68.5
Property offenses	11.1	8.8	63.6	64.4	78.8	83.0	56.9	71.0	76.8	62.6	12.9	18.2
Fraudulent	9.7	8.1	54.2	56.9	81.1	87.2	61.2	76.8	75.5	58.7	12.6	17.6
Other	1.4	0.7	129.0	147.8	72.1	65.0	43.1	37.3	82.7	109.4	14.2	21.9
Drug offenses	13.5	11.5	81.0	82.8	74.2	90.2	91.6	93.4	91.5	84.0	39.5	54.2
Public-order offenses	8.3	7.7	52.0	53.2	81.3	82.9	35.1	52.9	105.3	95.0	19.8	34.0
Regulatory	2.2	1.9	27.9	24.3	96.5	91.1	35.9	44.5	119.9	186.2	16.1	21.0
Other	6.0	5.7	61.0	62.9	78.7	81.8	35.0	54.2	102.2	84.2	20.8	37.4
Weapon offenses	1.8	3.4	89.2	75.3	73.4	96.3	91.9	93.9	78.9	87.4	42.0	51.5
Immigration offenses	5.2	15.1	70.6	62.3	84.5	95.4	94.7	95.3	112.1	78.2	9.4	12.2
Supervision violation**	16.3	19.2	n/a	n/a	n/a	n/a	n/a	n/a	53.4	39.4	8.1	7.8

Source: U.S. Census Bureau and BJS’ Federal Justice Statistics Program data

*Total includes those whose offense category could not be determined.

**The investigation rate for supervision violations is based on the total population under federal supervision and calculated per 100 offenders.

It is possible for transition rates to exceed 100 in certain instances because they were calculated from aggregate, cross-sectional counts of case processing activity from different data sources for a given year. As such, they may not account for time lags in individual cases. See *Methodology* for details.

Using decomposition methods, as described in the *Methodology*, we calculated the differences in these case processing measures between 1998 and 2010 and estimated their contribution toward prison population growth. We also developed supplementary decomposition models for two sub-periods (1998-2005 and 2005-2010) to account for variation in prison admission and population growth rates over the full period (Appendix tables A5 and A6).⁹ Major findings were generally consistent across the full 1998-2010 period, but key distinctions before and after 2005 are noted below where applicable.

Decomposition modeling shows exactly how many of the 80,396 offenders added to the prison population between 1998 and 2010 were associated with changes in each case processing stage across different offense types.

Table 3 presents the prison population growth observed between 1998 and 2010 and the results of “decomposing” that growth across the stages of federal criminal case processing. Each table cell gives the estimated net change in prison population related to one specific change (e.g., the increase in the conviction rate for drug offenses), while holding all other case processing

decisions constant. Additionally, the model estimates a population scaling factor— a counterfactual or “inflation factor” measuring the extent to which the prison population would have grown in relation to increases in the general population over time if federal case processing priorities and practices had continued unchanged as they were in 1998.

Table 3. Increase in the federal prison population associated with offense- and stage-specific factors, 1998 to 2010

	Growth in prison population, 1998-2010	Amount of change in the prison population related to—							Estimated Time Served
		Population Scaling Factor	Investigation Rate	Prosecution Rate	Conviction Rate	Prison Sentencing Rate	Prison Admission Rate		
All offenses	80,396	14,816	10,780	-3,724	21,637	6,932	-17,738	47,010	
Violent offenses	174	1,472	-3,122	17	903	246	-2,030	2,689	
Property offenses	2,665	1,009	-1,934	398	322	1,405	-1,423	2,887	
Fraudulent	2,557	796	-1,106	270	421	1,527	-1,676	2,326	
Other	108	213	-827	128	-99	-122	253	561	
Drug offenses	34,043	8,573	-9,788	1,305	12,964	1,434	-6,104	25,659	
Public-order offenses	9,088	822	-412	47	168	3,276	-1,017	6,204	
Regulatory	961	134	-153	-122	-45	182	519	445	
Other	8,127	687	-259	169	213	3,094	-1,537	5,759	
Weapon offenses	18,950	1,161	8,318	-2,762	4,631	441	2,151	5,010	
Immigration offenses	14,019	1,001	15,176	-2,729	2,649	130	-7,020	4,812	
Supervision violations	774	1,991	1,329	n/a	n/a	n/a	-2,295	-251	

Source: Analysis of BJS' Federal Justice Statistics Program data, as described in the *Methodology* section

Stage-specific contributions to the prison population do not sum exactly to the total difference of 80,396 prisoners because they are weighted to reflect the offense distribution, whereas the difference in total prisoners includes some records with unknown or indeterminable offense type. Also, the model describing supervision violations used a slight variation of the methodology used for other offense types (see *Methodology* section).

INFLUENCES ON PRISON POPULATION GROWTH FROM 1998 TO 2010

Increases in the expected time served by drug offenders, enforcement of immigration offenses, and conviction rates in drug cases were the leading offense- and stage-specific contributors to growth in prison population from 1998 to 2010.

Looking across offenses and stages in Table 3, the greatest offense- and stage- specific contributors to prison population growth between 1998 and 2010 were longer expected lengths of stay for drug offenses (25,659 prisoners), increased enforcement of immigration offenses (15,176 prisoners), and higher conviction rates in drug cases (12,964 prisoners). Heightened law enforcement of weapon offenses between 1998 and 2005 (which has since declined) also contributed 8,318 prisoners to overall population growth. Other changes served to curtail prison population growth, primarily decreases in drug offense enforcement and lower rates of prison admission for immigration and drug offenses, particularly between 2005 and 2010.

Four trends in case processing contributed to prison population growth—respectively, longer expected time served, higher conviction rates, increased law enforcement, and higher prison sentencing rates.

Examining the 80,396 person increase in the federal prison population in relation to federal case processing trends, we found that increased expected time served was, by far, the greatest contributor to population growth (Table 3). Increases in expected time served contributed 58% of the population growth over the period (47,010 prisoners); increases in conviction rates added 21,637 prisoners; increased enforcement activity added 10,780; and increases in the prison sentencing rate added 6,932.

Longer expected time served accounted for over one-half of the growth in prison population between 1998 and 2010.

Increases in expected time served contributed 47,010 persons to prison population growth, the greatest number for any component of change. In fact, changes in the time served by drug offenders alone contributed 25,659 prisoners—about one-third of the total population growth—and longer lengths of stay were observed in all offense categories except supervision violations. Note that increases in expected time served occurred during both decomposition sub-periods (1998-2005 and 2005-2010) and in nearly every offense category; this was the leading factor driving prison population growth in both sub-periods, particularly 2005-2010 (Appendix Tables A5 and A6).

The number of persons admitted to prison grew in response to increased federal law enforcement, higher conviction rates, and prison sentencing rates.

Higher conviction rates accounted for over one-quarter of the growth in the prison population. Increases in conviction rates were observed across most offense types and contributed 21,637 persons to the prison population. An increased drug conviction rate, in particular, added 12,964 prisoners to the population; weapon offense convictions added 4,631 prisoners; and immigration convictions added 2,649 prisoners. The effect of increases in the conviction rate for other offense types was more modest, and decreased conviction rates were observed among regulatory offenses and non-fraudulent property offenses.

An aggregate *increase in law enforcement* activity added 10,780 persons to the prison population, but enforcement trends were not consistent across offense types and changed over time. Heightened immigration enforcement activity throughout the 1998-2010 period accounted for one-fifth of the growth in total prison population. Additionally, increased weapon offense investigation rates contributed to roughly one-tenth of the growth in prison population. By

DETERMINANTS OF TIME SERVED

The actual time served by federal prisoners reflects the sentences imposed by the courts as well as laws and policies governing release. Court-imposed sentences reflect statutory penalties, federal sentencing guidelines, and judicial decision-making. While federal prisoners serve determinate sentences, inmates are eligible to earn credits for good behavior and other, non-standard sentence reductions are possible. On average, prisoners released in 2010 had served 86% of their court-imposed sentences, a percentage that remained relatively stable over the study period (Appendix Table A3).

Nine out of 10 prisoners released from district court commitments in 1998 and 2010 were “standard” releases, who served their court-imposed sentences minus any adjustments for good behavior during incarceration. The remaining one-tenth were “extraordinary” releases, composed mostly of persons released up to 12 months early for participating in a drug treatment program, but also included deportations, deaths, and sentence commutations. (Data not shown in a table.)

Some prison inmates are eligible to be resentenced to shorter terms after their admission to prison:

- Rule 35(b) of the Federal Rules of Criminal Procedure allows for post-sentencing reductions to the prison terms of offenders who provide substantial assistance to the Government in the investigation or conviction of another person.
- Reductions in crack cocaine offense levels and drug quantities—established between 2007 and 2010 to reduce the disparity between powder and crack cocaine penalties—may be applied retroactively to certain previously committed offenses.

Sentence reductions can be appreciable on an individual level, but are applicable to a limited subset of prisoners. Even so, relatively small changes may have a substantial fiscal impact. For example, the U.S. Sentencing Commission estimated that retroactive application of crack cocaine provisions within the Fair Sentencing Act of 2010 would produce an average 37 month sentence reduction for about 12,000 eligible offenders. While offenders, on average, would still serve 10 year sentences post-reduction, the BOP estimated over \$200 million in savings in the first five years of implementation.^a

^a U.S. Sentencing Commission. June 30, 2011. *U.S. Sentencing Commission Votes Unanimously To Apply Fair Sentencing Act Of 2010 Amendment To The Federal Sentencing Guidelines Retroactively*. Retrieved from http://www.ussc.gov/Legislative_and_Public_Affairs/Newsroom/Press_Releases/20110630_Press_Release.pdf on March 28, 2012.

contrast, decreases in federal drug investigation rates served to curtail prison population growth.

- Increased immigration offense enforcement contributed 15,176 prisoners—one-fifth of the growth in total population—after accounting for law enforcement activity that typically leads directly to deportation (see *Methodology*). Immigration was the only offense type for which enforcement rates increased consistently over time across the 1998-2005 and 2005-2010 sub-periods.
- A higher weapon offense investigation rate added 8,318 prisoners (one-tenth of the total growth), and an increase in the arrest rate for federal supervision violations added 1,329 prisoners. Population growth related to these offense types occurred mainly between 1998 and 2005, after which enforcement rates declined.
- Decreased drug investigation rates in particular suppressed prison population growth by 9,788 individuals. Drug offense enforcement decreased in both the 1998-2005 and 2005-2010 sub-periods.

Higher prison sentencing rates contributed 6,932 prisoners to the increase between 1998 and 2010. The proportion of convicted offenders who received court-imposed sentences to prison increased across most offense types, particularly among non-regulatory public-order offenders (3,094 prisoners), fraudulent property offenders (1,527 prisoners), and drug offenders (1,434 prisoners).

Changes in prison admission practices and prosecution rates, by contrast, suppressed prison population growth.

Although higher prison sentencing rates contributed to growth in the prison population, decreases in the *rate at which offenders sentenced to prison were actually admitted to BOP* (“*prison admission rate*”)¹⁰ curtailed population growth by 17,738 persons. Decreases in the number of immigration and drug offenders admitted to prison (relative to the number who were sentenced to prison) were the leading factors curtailing growth. This trend, to a lesser extent, was also observed across other offense types.

- The ratio of prison admissions to court-imposed prison sentences declined over the period so that, by 2010, 93% of those sentenced to prison were actually admitted into BOP custody.¹¹ The offense types for which this decline had the greatest prison population impact were immigration offenses (7,020 fewer prisoners), drug offenses (6,104 fewer prisoners), supervision violations (2,295 fewer prisoners), and violent offenses (2,030 fewer prisoners).
- To some extent, there was a change in practice related to short-term sentences. There was an increase in the number of prison sentences that are 6 months or less, and the relative proportion of these sentences grew.¹² Offenders with short sentences may have increasingly served their time in the same (typically non-federal) facilities as their pre-trial detention, without being transferred to BOP custody after sentencing.¹³ Additionally, the share of offenders receiving suspended sentences increased.¹⁴
- However, prison admission rates did not decrease for all offense types. In particular, higher imprisonment rates for weapon offenses contributed to growth by adding 2,151 prisoners (Table 3).¹⁵

Changes in *federal prosecution rates* were mixed across offense types but, in the aggregate, served to suppress prison population growth by 3,724 persons (Table 3). There was much fluctuation over time and across offense categories. Prosecution rates actually increased marginally for many offense types. However, impacts on the prison population were the greatest from declines in weapon and immigration prosecutions that occurred mainly between 1998 and 2005, which, taken together, outweighed the minimal growth associated with other offense types. Decreased prosecution rates for weapon offenses curtailed growth by 2,762 prisoners. The prosecution rate for felony and class A misdemeanor immigration offenses also decreased, reducing growth by another 2,729 persons. (Prosecutions of petty immigration offenses are excluded from this analysis because they typically lead to immediate deportation and do not systematically contribute to the prison population. See *Methodology* for additional information.)

Changes in some case processing stages promoted population growth while other stages moderated growth.

We observed that increased rates of investigation, conviction, and sentencing, as well as longer expected lengths of stay promoted prison population growth between 1998 and 2010; by contrast, declines in prosecution and prison admission rates suppressed growth. In other words, a high volume of cases generated in a particular stage of case processing did not necessarily

proceed past the next stage. This lack of uniformity across the full spectrum of federal case processing decision points was observed both in the aggregate and for most offense types. For example, decreases in the investigation rate for drug offenses served to suppress prison population growth, whereas higher prosecution rates increased the likelihood that a case would advance further through the criminal justice process. Drug conviction and prison sentencing rates also increased, promoting growth, but the rate at which sentenced offenders were actually committed and admitted to prison decreased, suppressing growth. However, those who were admitted to prison were expected to serve more time, which had the greatest effect on promoting growth.

Expected length of stay consistently had the greatest impact on prison population growth.

Increases in the expected time to be served had the greatest impact on population growth in the aggregate and across offense categories, accounting for 58% of the total population growth over the period. Expected time served in prison grew longer in nearly every offense category, most notably for drug, weapon, and non-regulatory public-order offenders. Changes in expected time served by drug offenders alone contributed 32% of the total growth in prison population.

The decomposition model framework illustrates how a change in any given step of the criminal justice process can affect the volume of offenders in prison. Efforts to manage future prison population growth may require attention to all stages of the federal criminal justice process. These findings suggest that targeting the length of prison terms—through modified sentencing practices, prison release policies, or both—has the potential to impact this leading source of prison population growth.

APPENDIX

Table A1. Federal prisoners, by offense and mean time served, October 1, 2009–September 30, 2010

Most serious original offense of conviction	Admissions			Releases			Stock Population		
	Prisoners admitted	Expected time to serve	Prisoners released	Actual time served	Percent of sentence served	Population at end of year			
All prisoners/a	71,499	100.0 %	49.7 mo	71,640	100.0 %	33.4 mo	86.1 %	184,809	100.0 %
Violent offenses	1,840	2.6	94.5	1,856	2.6	69.7	87.8	10,505	5.7
Murder/manslaughter/b	107	0.2	147.2	99	0.1	76.1	87.4	959	0.5
Assault	451	0.6	63.8	375	0.5	33.4	88.4	934	0.5
Robbery	1,047	1.5	99.3	1,152	1.6	80.3	87.8	7,024	3.8
Sexual abuse/b	157	0.2	95.5	173	0.2	63.8	87.8	932	0.5
Kidnaping	64	0.1	165.0	45	0.1	125.3	84.0	623	0.3
Threats against the President	14	--	36.6	12	--	18.8	90.1	33	--
Property offenses	6,440	9.1	31.3	6,541	9.2	20.4	86.1	9,748	5.3
Fraudulent	5,563	7.8	31.5	5,666	8.0	19.8	85.9	8,146	4.4
Embezzlement	138	0.2	18.1	150	0.2	15.8	86.5	181	0.1
Fraud/b	5,052	7.1	32.4	5,101	7.2	19.9	85.9	7,491	4.1
Forgery	74	0.1	23.8	65	0.1	20.5	84.5	85	--
Counterfeiting	299	0.4	23.8	350	0.5	20.4	86.7	389	0.2
Other	877	1.2	29.7	875	1.2	24.3	87.2	1,602	0.9
Burglary	45	0.1	41.7	45	0.1	31.3	87.9	123	0.1
Larceny/b	486	0.7	20.4	456	0.6	15.9	86.7	560	0.3
Motor vehicle theft	53	0.1	35.5	65	0.1	14.9	85.5	78	--
Arson and explosives	36	0.1	50.6	27	--	53.5	88.8	181	0.1
Transportation of stolen property	47	0.1	32.1	59	0.1	29.0	85.5	93	0.1
Other property offenses/b	210	0.3	43.1	223	0.3	38.1	88.0	567	0.3
Drug offenses	20,854	29.4	80.1	20,883	29.4	56.2	84.4	94,222	51.3
Trafficking	20,515	28.9	81.3	20,538	28.9	57.0	84.4	94,084	51.2
Possession and other drug offenses	339	0.5	6.6	345	0.5	10.6	85.7	138	0.1
Public-order offenses	5,245	7.4	78.9	3,569	5.0	36.1	85.5	14,858	8.1
Regulatory	1,089	1.5	42.9	816	1.1	25.8	85.4	1,905	1.0
Other	4,156	5.9	88.3	2,753	3.9	39.1	85.5	12,953	7.1
Tax law violations/c	324	0.5	23.0	304	0.4	18.4	85.8	437	0.2
Bribery	48	0.1	38.2	53	0.1	19.0	87.0	69	--
Perjury, contempt, and intimidation	45	0.1	20.7	60	0.1	17.6	85.6	59	--
National defense	34	--	142.2	19	--	39.8	80.2	144	0.1
Escape	352	0.5	71.1	178	0.3	19.0	89.0	172	0.1
Racketeering and extortion	1,033	1.5	98.2	1,067	1.5	56.3	85.1	4,858	2.6
Gambling	1	--	^	0	0.0	...	...	1	--
Liquor	0	--	...	0	0.0	...	...	2	--
Nonviolent sex offenses	87	0.1	83.8	75	0.1	44.0	87.1	245	0.1
Obscene material/c	1,994	2.8	108.0	743	1.0	40.4	85.1	6,825	3.7
Traffic	152	0.2	5.4	151	0.2	3.8	85.5	47	--
Wildlife	5	--	^	9	--	^	^	3	--
Environmental	9	--	^	15	--	14.1	88.2	10	--
All other offenses	72	0.1	31.7	79	0.1	21.9	87.2	81	--
Weapon offenses	6,314	8.9	81.9	6,057	8.5	52.8	87.9	27,097	14.7
Immigration offenses	20,643	29.1	20.7	21,789	30.7	17.4	88.1	21,047	11.5
Supervision violators	9,596	13.5	14.1	10,266	14.5	11.0	N/A	6,241	3.4

Note: Percentages and means in this table are based on non-missing offenses. Means do not include life sentences or sentences of 1 day.

Mean Percent of Sentence Served is based on prisoners with a sentence of at least 1 year in prison.

Includes only U.S. District Court commitments to federal prison and supervision violators.

Not directly comparable to the data in the Compendium of Federal Justice Statistics report series.

... No case of this type occurred in the data

-- Less than 0.05%

^ Too few cases to obtain statistically reliable data

a/ Total includes prisoners whose offense category could not be determined (admissions = 567; releases = 679; stock population = 1,091).

b/ In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; Larceny excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing.

c/ "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof.

Table A2. Federal prison admissions in 1998, 2005 and 2010, by offense and mean expected time to serve, October 1–September 30

Most serious original offense of conviction	1998			2005			2010		
	Prisoners admitted	Expected time to serve	Expected time to serve	Prisoners admitted	Expected time to serve	Expected time to serve	Prisoners admitted	Expected time to serve	Expected time to serve
All prisoners/a	50,694	100.0 %	47.0 mo	69,531	100.0 %	49.7 mo	71,499	100.0 %	49.7 mo
Violent offenses	2,432	4.8	87.1	2,134	3.1	89.3	1,840	2.6	94.5
Murder/manslaughter/b	106	0.2	136.5	109	0.2	102.6	107	0.2	147.2
Assault	314	0.6	34.0	406	0.6	55.8	451	0.6	63.8
Robbery	1,736	3.5	93.8	1,287	1.9	98.0	1,047	1.5	99.3
Sexual abuse/b	187	0.4	64.2	260	0.4	86.7	157	0.2	95.5
Kidnaping	71	0.1	171.7	52	0.1	152.4	64	0.1	165.0
Threats against the President	18	--	26.8	20	--	32.5	14	--	36.6
Property offenses	6,601	13.2	19.8	6,242	9.1	24.5	6,440	9.1	31.3
Fraudulent	5,342	10.6	18.9	5,233	7.6	23.7	5,563	7.8	31.5
Embezzlement	436	0.9	9.2	209	0.3	14.8	138	0.2	18.1
Fraud/b	4,257	8.5	20.4	4,565	6.7	24.3	5,052	7.1	32.4
Forgery	177	0.4	15.1	95	0.1	16.7	74	0.1	23.8
Counterfeiting	472	0.9	16.2	364	0.5	23.0	299	0.4	23.8
Other	1,259	2.5	23.6	1,009	1.5	28.4	877	1.2	29.7
Burglary	73	0.1	29.8	75	0.1	36.4	45	0.1	41.7
Larceny/b	611	1.2	15.2	463	0.7	16.9	486	0.7	20.4
Motor vehicle theft	104	0.2	27.9	53	0.1	35.6	53	0.1	35.5
Arson and explosives	63	0.1	61.7	32	--	77.3	36	0.1	50.6
Transportation of stolen property	132	0.3	24.9	60	0.1	33.7	47	0.1	32.1
Other property offenses/b	276	0.6	30.0	326	0.5	36.2	210	0.3	43.1
Drug offenses	18,304	36.5	75.3	22,453	32.7	79.4	20,854	29.4	80.1
Trafficking	18,129	36.1	75.8	22,029	32.1	80.8	20,515	28.9	81.3
Possession and other drug offenses	175	0.3	18.5	424	0.6	10.1	339	0.5	6.6
Public-order offenses	3,492	7.0	37.6	3,887	5.7	52.5	5,245	7.4	78.9
Regulatory	704	1.4	26.2	679	1.0	32.6	1,089	1.5	42.9
Other	2,788	5.6	40.5	3,208	4.7	56.7	4,156	5.9	88.3
Tax law violations/c	387	0.8	14.5	274	0.4	20.8	324	0.5	23.0
Bribery	60	0.1	18.0	51	0.1	23.6	48	0.1	38.2
Perjury, contempt, and intimidation	74	0.1	19.8	94	0.1	20.9	45	0.1	20.7
National defense	16	--	44.2	34	--	72.7	34	--	142.2
Escape	173	0.3	19.0	313	0.5	58.6	352	0.5	71.1
Racketeering and extortion	1,270	2.5	70.0	1,229	1.8	75.2	1,033	1.5	98.2
Gambling	1	--	^	2	--	^	1	--	^
Liquor	2	--	^	5	--	^	--	--	^
Nonviolent sex offenses	54	0.1	62.1	43	0.1	88.4	87	0.1	83.8
Obscene material/c	155	0.3	36.8	711	1.0	71.2	1,994	2.8	108.0
Traffic	413	0.8	3.5	331	0.5	3.5	152	0.2	5.4
Wildlife	19	--	8.6	12	--	9.4	5	--	^
Environmental	31	0.1	21.2	13	--	7.8	9	--	^
All other offenses	133	0.3	13.6	96	0.1	24.2	72	0.1	31.7
Weapon offenses	2,329	4.6	83.6	7,076	10.3	76.1	6,314	8.9	81.9
Immigration offenses	8,936	17.8	18.6	16,642	24.3	24.1	20,643	29.1	20.7
Supervision violators	8,081	16.1	20.0	10,161	14.8	14.9	9,596	13.5	14.1

Note: Percentages and means in this table are based on non-missing offenses. Means do not include life sentences or sentences of 1 day.

Includes only U.S. District Court commitments to federal prison and supervision violators.

Not directly comparable to the data in the Compendium of Federal Justice Statistics report series.

-- Less than 0.05%

... No case of this type occurred in the data

^ Too few cases to obtain statistically reliable data

a/ Total includes prisoners whose offense category could not be determined (1998 = 519; 2005=936; 2010 = 567).

b/ In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; Larceny excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing.

c/ "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof.

Table A3. Federal prison releases in 1998, 2005 and 2010, by offense and mean time served, October 1–September 30

Most serious original offense of conviction	1998				2005				2010			
	Prisoners released	Actual time served	Percent of sentence served		Prisoners released	Actual time served	Percent of sentence served		Prisoners released	Actual time served	Percent of sentence served	
All prisoners^a	42,226	100.0 %	26.1 mo	84.4 %	60,959	100.0 %	31.3 mo	85.4 %	71,640	100.0 %	33.4 mo	86.1 %
Violent offenses	1,859	4.4	53.7	83.2	1,885	3.1	64.7	87.0	1,856	2.6	69.7	87.8
Murder/ma ^b nslaughter/b	78	0.2	55.3	80.5	77	0.1	79.0	85.1	99	0.1	76.1	87.4
Assault	257	0.6	25.3	87.0	326	0.5	31.8	88.3	375	0.5	33.4	88.4
Robbery	1,306	3.1	60.4	83.0	1,291	2.1	72.5	87.1	1,152	1.6	80.3	87.8
Sexual abuse/b	154	0.4	33.3	84.3	131	0.2	52.6	86.2	173	0.2	63.8	87.8
Kidnaping	54	0.1	93.0	74.3	44	0.1	107.4	82.1	45	0.1	125.3	84.0
Threats against the President	10	–	^	^	16	–	28.3	89.0	12	–	18.8	90.1
Property offenses	6,273	15.0	15.8	86.4	6,291	10.4	18.4	86.2	6,541	9.2	20.4	86.1
Fraudulent	5,077	12.1	15.2	86.4	5,315	8.8	17.5	86.0	5,666	8.0	19.8	85.9
Embezzlement	460	1.1	8.7	86.1	220	0.4	12.4	86.4	150	0.2	15.8	86.5
Fraud/b	4,059	9.7	16.1	86.3	4,525	7.5	17.7	85.8	5,101	7.2	19.9	85.9
Forgery	160	0.4	14.2	85.7	145	0.2	15.1	87.1	65	0.1	20.5	84.5
Counterfeiting	398	1.0	14.5	87.2	425	0.7	18.4	87.4	350	0.5	20.4	86.7
Other	1,196	2.9	18.3	86.9	976	1.6	23.3	87.2	875	1.2	24.3	87.2
Burglary	73	0.2	25.6	86.2	58	0.1	27.0	87.1	45	0.1	31.3	87.9
Larceny/b	580	1.4	11.4	88.2	468	0.8	14.4	86.5	456	0.6	15.9	86.7
Motor vehicle theft	92	0.2	23.4	86.9	59	0.1	26.9	88.2	65	0.1	14.9	85.5
Arson and explosives	51	0.1	41.7	83.8	39	0.1	58.9	85.2	27	–	53.5	88.8
Transportation of stolen property	137	0.3	21.2	85.0	73	0.1	34.1	85.5	59	0.1	29.0	85.5
Other property offenses/b	263	0.6	23.5	87.0	279	0.5	28.9	88.5	223	0.3	38.1	88.0
Drug offenses	13,979	33.4	42.2	82.9	19,783	32.8	49.0	83.3	20,883	29.4	56.2	84.4
Trafficking	13,785	33.0	42.7	82.9	19,307	32.0	50.0	83.3	20,538	28.9	57.0	84.4
Possession and other drug offenses	194	0.5	12.2	90.2	476	0.8	8.7	84.8	345	0.5	10.6	85.7
Public-order offenses	3,104	7.4	21.8	84.3	3,240	5.4	29.2	85.0	3,569	5.0	36.1	85.5
Regulatory	660	1.6	18.5	85.3	663	1.1	21.0	85.5	816	1.1	25.8	85.4
Other	2,444	5.8	22.7	84.0	2,577	4.3	31.3	84.9	2,753	3.9	39.1	85.5
Tax law violations/c	386	0.9	12.8	86.2	261	0.4	16.6	85.7	304	0.4	18.4	85.8
Bribery	62	0.1	15.5	85.5	57	0.1	17.5	87.2	53	0.1	19.0	87.0
Perjury, contempt, and intimidation	82	0.2	15.1	87.9	74	0.1	16.2	85.0	60	0.1	17.6	85.6
National defense	20	–	29.3	85.2	29	–	29.8	85.2	19	–	39.8	80.2
Escape	190	0.5	17.2	88.0	172	0.3	18.1	87.5	178	0.3	19.0	89.0
Racketeering and extortion	951	2.3	40.1	81.9	1,147	1.9	47.4	84.1	1,067	1.5	56.3	85.1
Gambling	4	–	^	^	2	–	^	^	0	0.0	...	...
Liquor	3	–	^	^	1	–	^	^	0	0.0	...	...
Nonviolent sex offenses	27	0.1	34.0	83.4	48	0.1	45.2	86.4	75	0.1	44.0	87.1
Obscene material/c	131	0.3	16.8	87.5	350	0.6	29.6	85.5	743	1.0	40.4	85.1
Traffic	424	1.0	3.2	94.3	312	0.5	2.6	87.4	151	0.2	3.8	85.5
Wildlife	16	–	9.5	80.9	8	–	^	^	9	–	^	^
Environmental	29	0.1	10.1	84.5	24	–	12.6	87.2	15	–	14.1	88.2
All other offenses	119	0.3	11.1	84.0	92	0.2	15.0	85.6	79	0.1	21.9	87.2
Weapon offenses	1,777	4.2	41.6	86.1	4,397	7.3	42.4	87.8	6,057	8.5	52.8	87.9
Immigration offenses	7,118	17.0	11.1	88.1	14,948	24.8	20.4	87.9	21,789	30.7	17.4	88.1
Supervision violators	7,722	18.5	11.3	N/A	9,774	16.2	10.7	N/A	10,266	14.5	11.0	N/A

Note: Percentages and means in this table are based on non-missing offenses. Means do not include life sentences or sentences of 1 day.

Mean Percent of Sentence Served is based on prisoners with a sentence of at least 1 year in prison.

Includes only U.S. District Court commitments to federal prison and supervision violators.

Not directly comparable to the data in the Compendium of Federal Justice Statistics report series.

– Less than 0.05%

... No case of this type occurred in the data

^ Too few cases to obtain statistically reliable data

a/ Total includes prisoners whose offense category could not be determined (1998 = 394; 2005 = 641; 2010 = 679).

b/ In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; Larceny excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing.

c/ "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof.

Table A4. Federal prison population at yearend 1998, 2005 and 2010, by offense

Most serious original offense of conviction	1998		2005		2010	
	Population at end of year		Population at end of year		Population at end of year	
All prisoners/a	104,413	100.0 %	160,600	100.0 %	184,809	100.0 %
Violent offenses	10,331	9.9	11,205	7.0	10,505	5.7
Murder/manslaughter/b	695	0.7	889	0.6	959	0.5
Assault	577	0.6	757	0.5	934	0.5
Robbery	7,879	7.6	8,034	5.0	7,024	3.8
Sexual abuse/b	645	0.6	944	0.6	932	0.5
Kidnaping	508	0.5	545	0.3	623	0.3
Threats against the President	27	--	36	--	33	--
Property offenses	7,083	6.8	7,736	4.9	9,748	5.3
Fraudulent	5,589	5.4	6,106	3.8	8,146	4.4
Embezzlement	265	0.3	211	0.1	181	0.1
Fraud/b	4,841	4.7	5,402	3.4	7,491	4.1
Forgery	127	0.1	70	--	85	--
Counterfeiting	356	0.3	423	0.3	389	0.2
Other	1,494	1.4	1,630	1.0	1,602	0.9
Burglary	103	0.1	142	0.1	123	0.1
Larceny/b	463	0.4	469	0.3	560	0.3
Motor vehicle theft	150	0.1	115	0.1	78	--
Arson and explosives	183	0.2	174	0.1	181	0.1
Transportation of stolen property	169	0.2	98	0.1	93	0.1
Other property offenses/b	426	0.4	632	0.4	567	0.3
Drug offenses	60,179	57.9	85,869	53.9	94,222	51.3
Trafficking	60,013	57.7	85,693	53.8	94,084	51.2
Possession and other drug offenses	166	0.2	176	0.1	138	0.1
Public-order offenses	5,770	5.5	8,575	5.4	14,858	8.1
Regulatory	944	0.9	1,062	0.7	1,905	1.0
Other	4,826	4.6	7,513	4.7	12,953	7.1
Tax law violations/c	346	0.3	334	0.2	437	0.2
Bribery	62	0.1	76	--	69	--
Perjury, contempt, and intimidation	96	0.1	105	0.1	59	--
National defense	56	0.1	94	0.1	144	0.1
Escape	205	0.2	174	0.1	172	0.1
Racketeering and extortion	3,524	3.4	4,802	3.0	4,858	2.6
Gambling	1	--	0	...	1	--
Liquor	2	--	10	--	2	--
Nonviolent sex offenses	131	0.1	179	0.1	245	0.1
Obscene material/c	202	0.2	1,559	1.0	6,825	3.7
Traffic	67	0.1	48	--	47	--
Wildlife	12	--	7	--	3	--
Environmental	33	--	15	--	10	--
All other offenses	89	0.1	110	0.1	81	--
Weapon offenses	8,147	7.8	20,630	12.9	27,097	14.7
Immigration offenses	7,028	6.8	19,308	12.1	21,047	11.5
Supervision violators	5,467	5.3	6,000	3.8	6,241	3.4

Note: Yearend population measured on September 30th. Percentages in this table are based on non-missing offenses.

Includes only U.S. District Court commitments to federal prison and supervision violators.

Not directly comparable to the data in the Compendium of Federal Justice Statistics report series.

-- Less than 0.05%

a/ Total includes prisoners whose offense category could not be determined (1998 = 408; 2005=1,277; 2010 = 1,091).

b/ In this table, "Murder" includes nonnegligent manslaughter; "Sexual abuse" includes only violent sex offenses; "Fraud" excludes tax fraud; Larceny excludes transportation of stolen property; "Other property offenses" excludes fraudulent property offenses, and includes destruction of property and trespassing.

c/ "Tax law violations" includes tax fraud; "Obscene material" denotes the mail or transport thereof.

Table A5. Increase in the federal prison population associated with offense- and stage-specific factors, 1998 to 2005

	Growth in prison population, 1998-2005	Amount of change in the prison population related to—							Estimated Time Served
		Population Scaling Factor	Investigation Rate	Prosecution Rate	Conviction Rate	Prison Sentencing Rate	Prison Admission Rate		
All offenses	56,187	9,725	15,787	-1,672	12,882	4,519	-4,509	18,587	
Violent offenses	874	966	-2,696	728	339	60	-662	2,140	
Property offenses	653	662	-2,013	-36	444	404	128	1,064	
Fraudulent	517	523	-1,367	-89	496	483	-159	631	
Other	136	140	-646	53	-52	-78	287	433	
Drug offenses	25,690	5,627	-4,203	5,428	6,587	1,094	-892	12,049	
Public-order offenses	2,805	540	-907	664	-315	2,489	-1,777	2,112	
Regulatory	118	88	-239	1	-108	23	201	152	
Other	2,687	451	-668	663	-207	2,467	-1,979	1,960	
Weapon offenses	12,483	762	13,180	-3,755	4,149	422	1,848	-4,122	
Immigration offenses	12,280	657	9,797	-4,702	1,678	50	-1,420	6,219	
Supervision violations	533	1,122	2,019	n/a	n/a	n/a	-1,734	-874	

Source: Federal Bureau of Prisons fiscal year data, as standardized by BJS' Federal Justice Statistics Program

Note: Includes only U.S. District court commitments to federal prison and supervision violators

Stage-specific contributions to the prison population do not sum exactly to the total difference of 56,187 prisoners because they are weighted to reflect the offense distribution, whereas the difference in total prisoners includes some records with unknown or indeterminable offense type. Also, the model describing supervision violations used a slight variation of the methodology used for other offense types (see Methodology).

Table A6. Increase in the federal prison population associated with offense- and stage-specific factors, 2005 to 2010

	Growth in prison population, 2005-2010	Amount of change in the prison population related to—							Estimated Time Served
		Population Scaling Factor	Investigation Rate	Prosecution Rate	Conviction Rate	Prison Sentencing Rate	Prison Admission Rate		
All offenses	24,209	7,132	-6,690	-668	10,454	2,290	-15,057	26,934	
Violent offenses	-700	502	-397	-862	680	215	-1,681	844	
Property offenses	2,012	346	162	611	-281	960	-1,627	1,840	
Fraudulent	2,040	273	414	483	-201	1,049	-1,633	1,655	
Other	-28	73	-252	127	-80	-89	7	185	
Drug offenses	8,353	3,844	-7,522	-4,984	8,213	398	-6,063	14,468	
Public-order offenses	6,283	384	846	-1,001	732	583	1,319	3,422	
Regulatory	843	48	130	-165	99	235	294	202	
Other	5,440	336	716	-837	633	347	1,024	3,220	
Weapon offenses	6,467	924	-5,092	264	1,163	68	452	8,689	
Immigration offenses	1,739	864	5,456	5,305	-52	67	-6,999	-2,903	
Supervision violations	241	791	-667	n/a	n/a	n/a	-458	575	

Source: Federal Bureau of Prisons fiscal year data, as standardized by BJS' Federal Justice Statistics Program

Note: Includes only U.S. District court commitments to federal prison and supervision violators

Stage-specific contributions to the prison population do not sum exactly to the total difference of 24,209 prisoners because they are weighted to reflect the offense distribution, whereas the difference in total prisoners includes some records with unknown or indeterminable offense type. Also, the model describing supervision violations used a slight variation of the methodology used for other offense types (see Methodology).

Table A7. Increase in federal prison admissions associated with offense- and stage-specific factors, 1998 to 2010

	Growth in prison admissions, 1998-2010	Amount of change in prison admissions related to—						Prison Admission Rate
		Population Scaling Factor	Investigation Rate	Prosecution Rate	Conviction Rate	Prison Sentencing Rate		
All offenses	20,805	7,148	19,700	-3,486	9,256	4,065	-15,926	
Violent offenses	-592	346	-735	4	213	58	-478	
Property offenses	-161	940	-1,754	366	319	1,357	-1,388	
Fraudulent	221	761	-1,057	258	402	1,459	-1,602	
Other	-382	179	-697	108	-83	-102	214	
Drug offenses	2,550	2,607	-2,977	397	3,943	436	-1,857	
Public-order offenses	1,753	497	-264	7	90	1,923	-500	
Regulatory	385	100	-114	-91	-33	136	387	
Other	1,368	397	-149	97	123	1,787	-888	
Weapon offenses	3,985	332	2,378	-790	1,324	126	615	
Immigration offenses	11,707	1,273	19,296	-3,470	3,368	165	-8,925	
Supervision violations	1,515	2,943	1,964	n/a	n/a	n/a	-3,393	

Source: Federal Bureau of Prisons fiscal year data, as standardized by BJS' Federal Justice Statistics Program

Note: Includes only U.S. District court commitments to federal prison and supervision violators

Stage-specific contributions to the prison population do not sum exactly to the total difference of 20,805 prisoners because they are weighted to reflect the offense distribution, whereas the difference in total prisoners includes some records with unknown or indeterminable offense type. Also, the model describing supervision violations used a slight variation of the methodology used for other offense types (see Methodology).

METHODOLOGY

About the Federal Justice Statistics Program (FJSP) Data

The source of data for all tables and figures in this report is the Bureau of Justice Statistics (BJS) Federal Justice Statistics Program (FJSP) database. The FJSP collects administrative data from federal justice agencies representing all stages of federal criminal case processing and standardizes the data to facilitate comparisons across stages and over time. The report primarily presents data derived from federal Bureau of Prisons (BOP) source files that were standardized by the FJSP. Supplementary data—standardized from source files provided by the U.S. Marshals Service, the Executive Office of U.S. Attorneys, and the Administrative Office of the U.S. Courts—were used to analyze the impact of case processing changes over time on prison populations. Additional information about the FJSP is available at www.ojp.usdoj.gov/bjs/fjsrc. Specific notes on each source agency file are available in the *Compendium of Federal Justice Statistics, 2004*.

Unit of Analysis

Data on prisoners are reported at a person level. Regardless of the number of cases in which a given individual is involved, the unit of analysis is a person entering custody, a person leaving custody, or a person in custody at yearend. Data from other stages of criminal justice processing (i.e., investigations, prosecutions, and convictions) are reported at a defendant-case level. Data on federal arrests and bookings for supervision violations are reported at a person-arrest level.

Reporting Period

The FJSP data are organized into annual federal fiscal year files that reflect activity between October 1 and September 30 of a given year. For example, in 2010, cases have been selected if the event (e.g., prison commitment or release) occurred during fiscal year 2010 (October 1, 2009, through September 30, 2010). The yearend or “stock” population is a count of prisoners in the custody of the BOP at the end of the fiscal year (September 30).

Offense Classifications

The offense classification procedure used in this report is based on the classification system followed by the Administrative Office of the U.S. Courts. Specific offenses are combined to form the BJS categories shown in the appendix tables. These categories correspond to the BJS crime definitions. Offense categories for prisoners are based on combinations of offense designations used by the BOP.

Where more than one offense is adjudicated, the most serious offense (the one that results in the most severe sentence) is used to classify offenses. Prisoners are classified according to the offense that bears the longest single incarceration sentence.

The offenses in this report are categorized according to the secondary level of the BJS offense classification. It contains eight offense levels: violent; fraudulent property; other

property; drug; regulatory public-order; other public-order; weapon; and immigration offenses. In addition, supervision violations are included as a separate category.

For offense categories in all text, figures, and tables, the following conditions apply:

- **“Violent”** includes murder, negligent manslaughter, assault, robbery, sexual abuse, kidnaping and threats against the President.
- **“Property”** is composed of “fraudulent” and “other” types of offenses:
 - **“Fraudulent Property”** includes embezzlement, fraud (excluding tax fraud), forgery, and counterfeiting.
 - **“Other Property”** includes burglary, larceny, motor vehicle theft, arson, transportation of stolen property, and other property offenses - such as destruction of property and trespassing.
- **“Drug”** includes offenses prohibiting the manufacture, import, export, distribution, or dispensing of a controlled substance, or the possession of a controlled substance with the intent to manufacture, import, export, distribute, or dispense.
- **“Public-order”** is composed of “regulatory” and “other” types of offenses:
 - **“Regulatory Public-order”** includes violations of regulatory laws and regulations in agriculture, antitrust, labor law, food and drug, motor carrier, and other regulatory offenses.
 - **“Other Public-order”** includes non-regulatory offenses concerning tax law violations; bribery; perjury; national defense; escape; racketeering and extortion; gambling; liquor; mailing or transporting of obscene materials; traffic; migratory birds; conspiracy, aiding and abetting, and jurisdictional offenses; and other public-order offenses.
- **“Weapon”** includes violations of any of the provisions of 18 U.S.C. 922 and 923 concerning the manufacturing, importing, possessing, receiving, and licensing of firearms and ammunition.
- **“Immigration”** includes offenses involving illegal entrance into the United States, illegally reentering after being deported, willfully failing to deport when so ordered, or bringing in or harboring any aliens not duly admitted by an immigration officer.
- **“Supervision Violation”** includes commitments for violations of any type of federal release supervision, including supervised release, probation, or parole.

Reporting Scope

This report focuses on federal prisoners who were convicted and imprisoned for violations of federal criminal law. The statistics in this report are based on U.S. district court commitments and supervision violation commitments. U.S. district court commitments include felony and misdemeanor offenders whose cases were presided over by either U.S. district court judges or U.S. magistrate judges. Supervision violators include commitments for violations of supervised

release, probation, or parole. Juvenile offenders and offenders who committed crimes before November 1987 (old law offenders) are also included in this report.

Note that the statistics presented in this report differ from other counts of federal prisoners. The BOP, for example, may report on its entire population, which includes classes of inmates other than those convicted of federal offenses, such as pre-trial detainees; persons awaiting deportation by the Bureau of Immigration and Customs Enforcement; offenders sentenced by the District of Columbia Superior Court for violations of the D.C. criminal code; state prisoners in leased bed space; and military court prisoners.¹⁶ In keeping with the primary objective of this report—to understand prison population growth in relation to federal case processing practices—we exclude subsets of BOP inmates who have not been convicted of federal crimes.

Decomposition Analysis of Changes in Admissions and Prison Population

Statistical decomposition methods were used to estimate the amount of change in entering and yearend prison populations associated with changes in earlier stages of federal criminal justice case processing. The body of this paper presents only results of the decomposition of the prison *population*. Results from the decomposition of prison *admissions* were consistent with the prison population model, and are retained for reference (Appendix Table A7).

The decomposition analysis began with conceptualizing flow models, as illustrated in equations 1 and 2. These describe movement from the general population, through the federal criminal case process, and into prison.

[1] Population → Investigation → Prosecution → Conviction → Sentencing → Prison admission

[2] Population → Investigation → Prosecution → Conviction → Sentencing → Prison admission → Length of stay → Prison population

Movement between stages of the process reflects decisions about whether a case moves forward through the criminal justice system. Our analytic approach regarded admission to prison or presence in the yearend stock prison population as the accumulated result of numerous earlier case processing decisions. Investigation rates and arrest rates (for supervision violations) measure law enforcement decisions. Prosecution rates measure decision-making on the part of U.S. Attorneys. Conviction rates measure adjudication decisions. The decision to incarcerate and the length of stay are the measures of the sentencing process.

Our decomposition model of the change in prison population generally follows the approach taken by Blumstein and Beck (2005) and modified by Sabol (2010). In addition to assessing the contribution of law enforcement, prison admissions and expected time served toward the change in the prison population (as Blumstein and Beck did), we also considered several additional factors that contribute to change in the number of admissions to prison, including the probability of prosecution, the conviction rate, and the sentencing decision (similar to Sabol, 2010); furthermore, we considered the likelihood of prison commitment following a court sentence to prison. Effectively, we decompose changes in the prison admission rate into the additional stages of prosecution, conviction, sentencing, and prison commitment, thereby incorporating the impact of these additional decision points on the growth in prison admissions over the period.

Stated differently, admission to prison is conditional upon the probabilities of having been investigated, prosecuted, convicted, sentenced to prison, and committed to prison. The size of the prison population is conditional on these factors and one more, the length of time served. The number of prison admissions (PA) and number of prisoners at yearend (P) in a given year can be expressed as a conditional probability of these factors. Each of the equations below is an identity; that is, the result the equation obtains by definition. The number of prison admissions and the number of prisoners are given as equations 3 and 4, respectively.

$$[3] \quad \text{Prison Admissions:} \quad PA = \text{pop} * a * p * c * s * i$$

$$[4] \quad \text{Prison Population:} \quad P = \text{pop} * a * p * c * s * i * \text{los}$$

where:

- pop = the general population
- a = the investigation rate, calculated as the number of criminal investigations divided by the population;
- p = the prosecution rate, calculated as the number of prosecutions divided by investigations;
- c = the conviction rate, calculated as the number of convictions divided by prosecutions;
- s = the prison sentencing rate, calculated as the number of sentences to prison divided by convictions;
- i = the incarceration rate, calculated as the number of prison admissions (PA) divided by prison sentences; and
- los = the length of stay, estimated using the stock flow method where the number of prisoners (P) in the prison population at yearend ("stock") is divided by PA, the number of admissions to prison during that year ("flow").

(Note: The data used to develop these measures are discussed in the next section.)

To assess or decompose changes between two points in time, we developed separate equations for year 1 and year 2. Equation 5 gives the difference in prison admissions between two years. This can be algebraically re-arranged to equation 6, which we used to examine the effect of a change in any single factor on the change in the outcome.

$$[5] \quad \text{Change in prison admissions:} \quad PA_2 - PA_1 = \text{pop}_2 * a_2 * p_2 * c_2 * s_2 * i_2 - \text{pop}_1 * a_1 * p_1 * c_1 * s_1 * i_1$$

$$[6] \quad PA_2 - PA_1 = \text{pop}_2 * a_2 * p_2 * c_2 * s_2 * [i_2 - i_1] + \text{pop}_2 * a_2 * p_2 * c_2 * [s_2 - s_1] * i_1 + \text{pop}_2 * a_2 * p_2 * [c_2 - c_1] * s_1 * i_1 + \text{pop}_2 * a_2 * [p_2 - p_1] * c_1 * s_1 * i_1 + \text{pop}_2 * [a_2 - a_1] * p_1 * c_1 * s_1 * i_1 + [\text{pop}_2 - \text{pop}_1] * a_1 * p_1 * c_1 * s_1 * i_1$$

Similarly, Equation 7 gives the difference in the yearend stock population between two years. This is algebraically re-arranged to equation 8, which we used to examine the effects of change in any one case processing stage on the change in outcome.

$$[7] \quad \text{Change in prison population:} \quad P_2 - P_1 = \text{pop}_2 * a_2 * p_2 * c_2 * s_2 * i_2 * \text{los}_2 - \text{pop}_1 * a_1 * p_1 * c_1 * s_1 * i_1 * \text{los}_1$$

$$[8] \quad P_2 - P_1 = \text{pop}_2 * a_2 * p_2 * c_2 * s_2 * i_2 * [\text{los}_2 - \text{los}_1] + \text{pop}_2 * a_2 * p_2 * c_2 * s_2 * [i_2 - i_1] * \text{los}_1 + \text{pop}_2 * a_2 * p_2 * c_2 * [s_2 - s_1] * i_1 * \text{los}_1 + \text{pop}_2 * a_2 * p_2 * [c_2 - c_1] * s_1 * i_1 * \text{los}_1 + \text{pop}_2 * a_2 * [p_2 - p_1] * c_1 * s_1 * i_1 * \text{los}_1 + \text{pop}_2 * [a_2 - a_1] * p_1 * c_1 * s_1 * i_1 * \text{los}_1 + [\text{pop}_2 - \text{pop}_1] * a_1 * p_1 * c_1 * s_1 * i_1 * \text{los}_1$$

The interpretation of these models is as follows: In the model describing changes in the prison population (equation 8), the first row gives the influence of the change in length of stay on the change in the prison population. The second row gives the influence of the incarceration rate on the change in the prison population, and so on. Note that the decomposition can be done with respect to changes from the first or second period. The results reported here showed the influences based on change from the 1998 base. A separate analysis was done “the other way” based on change from 2010. Although the absolute magnitudes changed, the direction of effects and the relative magnitudes generally remained the same, and there were no appreciable changes in conclusions based on the base year used in the decompositions.

Since transition rates can differ greatly across offense types, separate equations were generated for each BJS secondary offense category. The individual offense-specific equations were then aggregated to BJS primary offense groupings and the total number of prisoners. The outcomes for public-order offenses, for example, were calculated as the sum of individual offense-specific flow models for regulatory and other public-order offenses. This essentially weights the aggregate transition rates by the offense-specific distributions. Since offense-specific estimates of the number of prisoners attributable to each stage were summed together, model results may not sum to the exact change in aggregate prisoners, as the total includes some prisoners with unknown or indeterminable offense type.

Additionally, since the investigation, prosecution, conviction and sentencing stages are not applicable to the case processing of supervision violators, we developed an alternate model to decompose changes in the growth of supervision violation offenders. For supervision violators, we computed an arrest rate rather than an investigation rate, which we defined as the number of supervision violation arrests in a given year divided by the number of individuals under federal supervision at yearend. We also computed the prison admission rate as the ratio of persons admitted for supervision violations to the number of persons arrested for the same. The change in supervision violators was decomposed into only the following components: the arrest rate, prison admission rate, and length of stay (when applicable in the prison population model).

Data Used in the Decomposition Models

The following FJSP data were used to measure each stage of federal criminal case processing. U.S. Census data on the national resident population¹⁷ were used (a) to calculate the per capita investigation rate, and (b) as a scaling factor to estimate the extent to which prison populations would have changed over time if federal case processing practices had remained unchanged from 1998 onward. Data on the yearend federal supervised release population (from the Federal Probation Supervision Information System) were used similarly as the denominator to calculate the arrest rate for federal supervision violations.

- Law enforcement activity was measured by the number of criminal investigations opened by U.S. Attorneys. Additionally, the number of arrests for supervision violations was obtained from data submitted by the U.S. Marshals Service. Adjustments were made to the 2010 data to account for a significant policy shift in the federal case processing of petty immigration offenses, as described below.

- Prosecutions were measured as case filings in U.S. district court, based on data collected by the AOUSC. The source data include all felony and class A misdemeanor cases filed in U.S. district court.
- Case convictions were measured using AOUSC data on cases terminated in conviction. The source data include all felony and class A misdemeanor cases terminated in U.S. district court.
- Sentences to prison were measured using AOUSC data on defendants sentenced to prison. The source data include all felony and class A misdemeanor cases terminated in U.S. district court.
- Prison admissions were measured by the number of federal court commitments and supervision violators admitted to BOP custody in a given year.
- Prison population was measured by the number of federal court commitments and supervision violators in prison on September 30 of a given year.
- Length of stay was estimated using the stock flow method, dividing the number of prisoners in the yearend population by the number of entering prisoners.

Data Limitations

It is important to note that the transition rates in the decomposition analysis were calculated from these cross-sectional counts of case processing activity within a single year. For example, the prosecution rate is the number of case filings in a given year divided by the number of investigations in that same year. Similarly, the prison admission rate is the number of prison admissions in a given year divided by the number of sentences to prison in that same year. Put another way, these ratios are snapshots of aggregate case processing activity at a single point in time. In any given case, however, there may be substantial time lags between stages. A case investigated in September of a given year, for example, may not be filed in U.S. district court until the following federal fiscal year. Likewise, there may be lags between sentencing in a given case, and the actual transfer and date of admission to BOP custody.

Similarly, expected time served was estimated as the turnover rate, or stock-to-flow ratio (i.e., the ratio of the prison population at yearend to the number of prison admissions occurring during the year) in the model decomposing prison population growth. This turnover rate will underestimate time to release for entering cohorts if either the length of sentences is increasing or the number of admissions is increasing faster than releases. Since sentences increased during the 1998-2010 study period, the estimated expected time served measure used in the decomposition of prison population growth is likely to have underestimated the actual time to be served by offenders. Hence, our decomposition results likely underestimate the impact of length of stay on the growth in the prison population.

Adjustment for Petty Immigration Offenses in 2010

Differences in the reporting scope of the various source agency datasets created certain challenges in examining prison population changes across stages of case processing. This was most pertinent in the transition from investigation to prosecution in the wake of increased

enforcement and prosecution of petty immigration offenses between 1998 and 2010. The Operation Streamline initiative, implemented in December 2005, requires federal criminal prosecution for all unlawful border crossings, many of which were formerly addressed outside the criminal justice system, through civil immigration proceedings. As a result, the number of suspects in the investigation data has escalated substantially. Although these additional suspects are adjudicated, they are processed as petty misdemeanor offenses (typically 8 U.S.C. § 1325 for first-time unlawful entry), sentenced to time served, and deported.¹⁸ As such, they generally do not appear in the AOUSC data on cases filed or terminated (which reflect felonies and class A misdemeanors only), and are not systematically added to the prison population.

Using the unadjusted number of immigration suspects in the decomposition models would have yielded erroneous results by overestimating the contribution of enforcement to the prison population; the effect of this influx in first-time unlawful entry immigration suspects would have inflated the count of matters investigated and, as a result, would have erroneously underestimated the role of prosecutions in case processing. To adjust for this substantial change in practice after 2005, we developed an estimate of immigration investigations that would exclude those petty offenders added by Operation Streamline as follows.

Operation Streamline was implemented in four southwest border districts: Arizona, New Mexico, Texas Western, and Texas Southern.¹⁹ In 1998, before its implementation, there were 1,258 first-time unlawful entry immigration matters (8 U.S.C. § 1325) investigated by U.S. Attorneys and subsequently disposed before U.S. magistrate judges. We calculated the ratio of these southwest border unlawful entry matters to all other immigration matters in that year (1,258 to 12,856, or 0.09785) and defined this as the baseline, pre-Streamline level of criminal investigation for these offenses. In 2010, the number of comparable, first time unlawful entry matters received for criminal investigation in these southwest border districts had risen to 41,242. We estimated the number that would have been criminally prosecuted under pre-Streamline conditions (4,154) by applying the 1998 baseline ratio to the 2010 count of first-time unlawful entry matters in these districts. The balance of 37,088 southwest border first-time unlawful entry matters was then excluded from our count of 2010 matters investigated. (Data not shown in a table.)

Supplementary Decomposition Model of Prison Admissions

Results from the decomposition of prison admissions are shown as Appendix Table A7. Key findings from this analysis are consistent with the decomposition model for the prison population:

- Federal law enforcement. The increase in the rate of federal investigation was estimated to yield 19,700 new prison admissions.
- Conviction rate. An increase in the rate of conviction once a case has been prosecuted added 9,256 prison admissions since 1998.

- Prison sentencing rate. The probability of receiving a prison sentence following conviction increased from 1998 to 2010, raising the number of prison admissions by 4,065 persons.
- Prison admission rate. The probability of prison admission following sentencing decreased from 1998 to 2010, reducing the growth of prison admissions by 15,926 persons.
- Prosecution rate. A federal suspect's probability of being prosecuted for a felony or class A misdemeanor declined from 1998 to 2010, curtailing the growth of prison admissions by 3,486 persons.
- Looking across offense- and stage-specific factors, the greatest contribution to the growth in prison admissions between 1998 and 2010 was from increased enforcement of immigration offenses. Higher conviction rates among drug and immigration suspects and higher weapon enforcement rates were also substantial sources of growth.

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ENDNOTES

¹ This report focuses exclusively on offenders convicted of federal crimes. The “federal prison population” is defined as those offenders committed to the federal Bureau of Prisons (BOP) following a conviction for a federal offense and those incarcerated for post-conviction supervision violations. Persons in BOP custody for other reasons and other types of commitments (e.g., pre-trial detainees, District of Columbia superior court commitments) are excluded from the statistics in this report.

² Inmates were typically housed in BOP-operated facilities, but about one-fifth were in privately-managed or contract facilities, including community corrections and juvenile contract facilities. (Federal Bureau of Prisons. *About the Bureau of Prisons*. Retrieved from <http://www.bop.gov/about/index.jsp> on March 28, 2012.)

³ The yearend or “stock” population measures the population on September 30 of a given year.

⁴ See *Methodology* for a description of the FJSP and its data holdings.

⁵ This is possible because judges may impose but suspend a prison sentence or, particularly in the case of short sentences, offenders may have served the entirety of their imposed prison sentences in the same facility as their pre-trial detention.

⁶ These are shown in report tables as “other public-order offenses” and include non-regulatory offenses concerning tax law violations; bribery; perjury; national defense; escape; racketeering and extortion; gambling; liquor; mailing or transporting of obscene materials; traffic; migratory birds; conspiracy, aiding and abetting, and jurisdictional offenses.

⁷ See Appendix Table A4.

⁸ Under steady-state assumptions (i.e., during periods when prison population and admission growth are stable), the stock-to-flow ratio estimate of expected time served will equal actual time to be served by a cohort of new commitments to prison. Given that both the federal prison population and admissions were increasing during the 1998-2010 period, the stock-to-flow ratio is likely to underestimate actual time to release. Hence, the impact of length of stay on the growth of the federal prison population is likely to be understated in our decomposition model.

⁹ The year 2005 was chosen as a midpoint for sub-period analyses because it represents an inflection point when growth in prison admissions (and prison population) began to flatten out after a period of steep increase. The average annual rate of change in federal prison admissions from 1998-2005 was 5.6%, compared to 1.3% during the 2005-2010 sub-period.

¹⁰ Recall that this measures the number of persons admitted to prison, relative to the number receiving court-imposed sentences to prison. Judges may impose but suspend a prison sentence or, particularly in the case of short sentences, offenders may have served the entirety of their imposed prison sentences in the same facility as their pre-trial detention.

¹¹ During the 1998-2005 period, the number of persons admitted to prison for certain offense types in a given year actually exceeded the number of persons sentenced to prison by the courts in that year. There are several explanations why the number of person admitted to prison would exceed the number sentenced. First, as described in the *Methodology* section, these rates were computed using aggregate data to provide a snapshot of a single point in time (i.e., all persons admitted to prison in 1998 divided by the total number of prison sentences imposed in that year). In practice, however, there is a time lag between sentencing and admission to prison that averages 2 to 3 months. This results in some unavoidable imprecision, as some prison

admissions in a given year result from sentences imposed in a previous year. Second, the population entering prison may be convicted of any charge, whereas the available data on sentences to prison reflect only felony and class A misdemeanor offenses. Prison admission rates exceeding 100% may reflect admissions resulting from petty misdemeanor offenses, which are not captured in the denominator.

¹² According to FJSP data from the Administrative Office of U.S. Courts, 12.1% of prison sentences (5,551 total) in 1998 were terms of 6 months or less. In 2005, the proportion had dropped to 9.8% (6,389 defendant-cases). By 2010, the proportion of prison sentences with terms of 6 months or less had risen to 13.5% of prison sentences (10,423). (Data not shown in a table.)

¹³ Communication with BOP Office of Research and Evaluation, March 15, 2012.

¹⁴ According to FJSP data from the Administrative Office of U.S. Courts, in 1998, 2,702 (5.9%) defendants in cases terminated were sentenced to prison, but their sentences were suspended. By 2010, there were 7,536 suspended sentences, which constituted 9.7% of all prison sentences. The increase in proportion primarily occurred between 2005 and 2010. (Data not shown in a table.)

¹⁵ The prison admission rate for other public-order offenses also increased toward the end of the period (between 2005 and 2010) but this did not offset decreases between 1998 and 2005 (Appendix Tables A5 and A6).

¹⁶ *Legal Resource Guide to the Federal Bureau of Prisons, 2008*. Washington, D.C.: U.S. Department of Justice, 2008.

¹⁷ The 1998 population estimate was obtained from the U.S. Census Bureau, Population Estimates Program, Population Division's "Historical National Population Estimates, July 1, 1900 to July 1, 1999," released on April 11, 2000 and revised June 28, 2000. The population estimate for 2005 was obtained from Table 1. Annual Estimates of the Resident Population for the United States, Regions, States and Puerto Rico: April 1, 2000 to July 1, 2010 (NST-EST2010-01) by the U.S. Census Bureau, Population Division, released December 2010. The 2010 population count was retrieved from <http://2010.census.gov/2010census/data/> on November 3, 2011. These numbers describe the resident population, which includes individuals regardless of citizenship or legal immigration status. As such, a portion of the resident population reflects (albeit underestimates) illegal immigration into the United States.

¹⁸ Lydgate, 2010.

¹⁹ *Ibid.*