



Prison Time Surges for Federal Inmates

Average period of confinement doubles, costing taxpayers \$2.7 billion a year

Overview

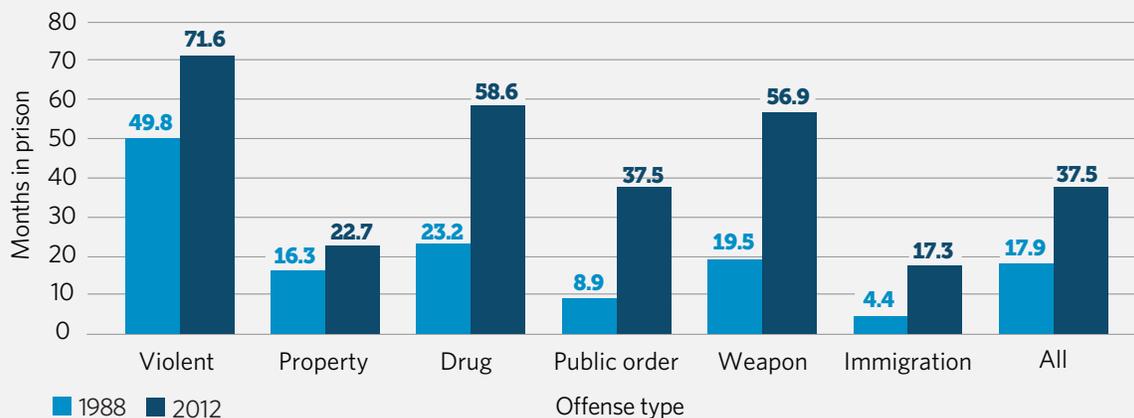
The average length of time served by federal inmates more than doubled from 1988 to 2012, rising from 17.9 to 37.5 months.¹ Across all six major categories of federal crime—violent, property, drug, public order, weapon, and immigration offenses—imprisonment periods increased significantly.² (See Figure 1.) For drug offenders, who make up roughly half of the federal prison population, time served leapt from less than two years to nearly five.

Mandatory minimum sentencing laws, the elimination of parole, and other policy choices helped drive this growth, which cost taxpayers an estimated \$2.7 billion in 2012 alone.³ Despite these expenditures, research shows that longer prison terms have had little or no effect as a crime prevention strategy—a finding supported by data showing that policymakers have safely reduced sentences for thousands of federal offenders in recent years.⁴

Figure 1

Average Time Served Rose Sharply for All Federal Offense Types From 1988 to 2012

Increases ranged from 321% for public order crimes to 39% for property offenses



Notes: Data show average time served by inmates released from prison in 1988 and 2012. Public order offenses include tax law violations, bribery, perjury, racketeering, extortion, and other crimes.

Sources: Bureau of Justice Statistics, *Federal Criminal Case Processing 1982-1993*, Table 18 (1988 data); *Federal Justice Statistics 2012 - Statistical Tables*, Table 7.11 (2012 data)

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Federal prison system, costs grew significantly

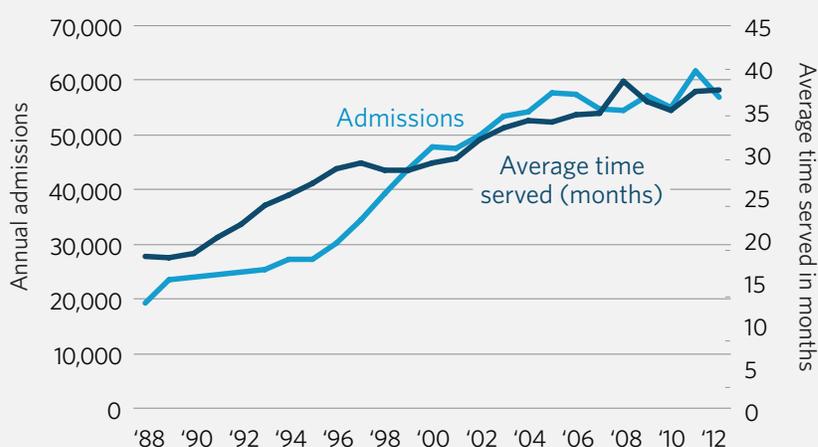
Two factors determine the size of any prison population: how many offenders are admitted to prison and how long they remain. From 1988 to 2012, the number of annual federal prison admissions almost tripled, increasing from 19,232 to 56,952 (after reaching a high of 61,712 in 2011).⁵ During the same period, the average time served by released federal offenders more than doubled, rising from 17.9 to 37.5 months.⁶ These two upward trends—shown in Figure 2—caused a spike in the overall federal prison population, which jumped 336 percent, from 49,928 inmates in 1988 to an all-time high of 217,815 in 2012.⁷ One study found that the increase in time served by a single category of federal offenders—those convicted of drug-related charges—was the “single greatest contributor to growth in the federal prison population between 1998 and 2010.”⁸

The long-term growth of this population has driven a parallel surge in taxpayer spending. As Pew reported in February 2015, federal prison spending rose 595 percent from 1980 to 2013, from \$970 million to more than \$6.7 billion in inflation-adjusted dollars.⁹ Taxpayers spent almost as much on federal prisons in 2013 as they spent in 1980 on the entire U.S. Justice Department—including the Federal Bureau of Investigation, the Drug Enforcement Administration, and all U.S. attorneys.¹⁰

Figure 2

Admissions and Average Time Served Increased Simultaneously

Tandem trends spurred explosive growth of federal prison population



Note: Admissions data are imputed for 1990-1992.

Sources: Bureau of Justice Statistics, Corrections Statistical Analysis Tool - Prisoners (admissions data); Bureau of Justice Statistics, *Federal Criminal Case Processing 1982-1993, Compendium of Federal Justice Statistics 1995-2003, Federal Justice Statistics-Statistical Tables 2004-2012* (average time served data)

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Length of stay rose for all types of federal offenders

To assess long-term changes in the amount of time that federal offenders spend in prison, Pew reviewed Bureau of Justice Statistics data on inmates released from prison each year from 1988 (the earliest year for which comparable, annual data are available) to 2012 (the most recent year available).¹¹ The data show significant increases in time served for all crime types, as well as for most individual crimes. Specifically:

- **Time served went up across all offense categories.** The average length of imprisonment increased for inmates in all six categories of federal crime: violent, property, drug, public order, weapon, and immigration offenses.
- **It grew the most for public order, immigration, and weapon offenses.** The average length of imprisonment rose 321 percent for public order offenses, such as racketeering, extortion, and tax law violations (from 8.9 to 37.5 months). It went up 293 percent for immigration offenses (from 4.4 to 17.3 months) and 192 percent for weapon crimes (from 19.5 to 56.9 months).
- **It rose more for drug offenses than for violent and property crimes.** Time served for drug offenses went up 153 percent (from 23.2 to 58.6 months), compared with 44 percent for violent crimes (from 49.8 to 71.6 months) and 39 percent for property crimes (from 16.3 to 22.7 months). Expressed another way, drug offenders released in 1988 served less than half as much time in prison as violent offenders; those released in 2012 served more than 80 percent of the time that violent offenders did. Longer periods of imprisonment for drug offenders also had an outsize effect on the size of the overall federal prison population, given the large number of these inmates. From 1988 to 2012, the number of sentenced drug offenders in federal prison grew from roughly 15,000 to nearly 100,000.¹²
- **It increased for 25 of 28 specific offenses.** The average length of imprisonment went up for 25 of the 28 specific federal crimes that the Bureau of Justice Statistics tracked in both 1988 and 2012.¹³ Time served went down only for simple drug possession, assault, and larceny.

Federal Time Served: The 85 Percent Rule

With the exception of the comparatively small number of offenders who are sentenced to death or life behind bars or who die while incarcerated, all inmates in federal prisons will eventually be released. Their release dates are determined by two factors: the court-imposed sentences they received after their convictions and the amount of time—if any—deducted from their sentences for good behavior. Unlike many states, the federal government does not have parole. Instead, under the Sentencing Reform Act of 1984, all federal prisoners must spend a minimum of 85 percent of their sentences behind bars before becoming eligible for release, with a maximum of 15 percent set aside as a reward for good behavior. The nearly 62,000 inmates who were released from federal prison in 2012 served an average of 88 percent of their court-imposed sentences.*

* Bureau of Justice Statistics, *Federal Justice Statistics 2012—Statistical Tables*, Table 7.11, <http://www.bjs.gov/content/pub/pdf/fjs12st.pdf>.

Policy changes drove increases in time served

The sharp increase in time served by federal offenders can be traced to a series of policy choices made by lawmakers during the 1980s and 1990s, when rising violent and property crime rates—combined with an epidemic of crack cocaine use—heightened Americans' concerns about safety.¹⁴ The U.S. violent crime rate rose 41 percent from 1983 to 1991, when it peaked at 758 violent offenses per 100,000 residents, about twice the rate reported today.¹⁵

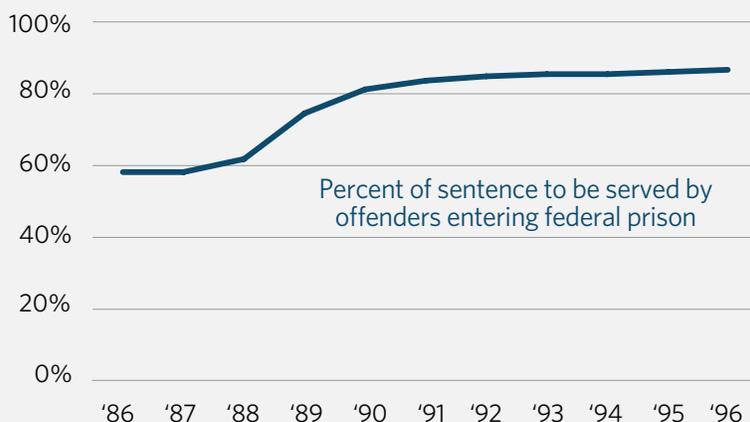
In response, lawmakers enacted a range of laws that, collectively, increased the number of offenders sent to prison and the amount of time they spent behind bars:

- **Congress formed the U.S. Sentencing Commission, which created strict federal sentencing guidelines.** The federal Sentencing Reform Act of 1984 established the U.S. Sentencing Commission, an appointed panel within the judicial branch that sets national guidelines for federal judges to follow when sentencing defendants. The National Research Council found in a 2014 report that the guidelines—initially mandatory but later deemed advisory by the U.S. Supreme Court—“greatly increased both the percentage of individuals receiving prison sentences and the length of sentences for many offenses.”¹⁶ The commission’s own researchers have described the Sentencing Reform Act as “perhaps the most dramatic change in sentencing law and practice in our nation’s history.”¹⁷
- **Lawmakers abolished federal parole.** The Sentencing Reform Act also eliminated parole and required all federal prisoners, regardless of offense type, to serve a minimum of 85 percent of their sentences behind bars before becoming eligible for release—a policy shift known as “truth in sentencing.” This change, which was phased in over several years beginning in November 1987, had a dramatic impact: Those entering prison in 1996 could expect to serve 87 percent of their sentences behind bars, compared with 58 percent a decade earlier.¹⁸ (See Figure 3.) The percentage of sentence served by federal offenders has not significantly changed since 1996.¹⁹
- **Mandatory minimum penalties led to increased sentence lengths.** Congress also enacted dozens of laws during the 1980s and 1990s that required federal courts to sentence certain defendants to mandatory minimum prison terms. As of 2012, the federal criminal code included nearly 200 such sentences, for crimes ranging from obstruction of justice to airplane hijacking.²⁰ Drug crimes are among the most common offenses for which mandatory minimum sentences are imposed.²¹ From 1980 to 2011 (the most recent year for which comparable statistics are available), the average prison sentence for federal drug offenders increased 36 percent, from 54.6 to 74.2 months.²²

Figure 3

Elimination of Federal Parole Contributed to Increase in Time Served

Prison time went up sharply following November 1987 policy change



Note: Pew used admissions data rather than release data to show the year-over-year effects of the elimination of parole. Release cohorts include offenders sentenced in many years.

Source: Bureau of Justice Statistics, *Time Served in Prison by Federal Offenders, 1986-1997*, Table 1, <http://www.bjs.gov/content/pub/pdf/tspfo97.pdf>

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Increased time served carries high cost

The average monthly cost to house a federal prisoner was \$2,197 in 2012.²³ When applied to the 19.6-month increase in average time served by federal offenders since 1988—and multiplied by the nearly 62,000 inmates released from federal prison in 2012—the total estimated cost to taxpayers of increased prison stays reached \$2.7 billion a year.²⁴ (See Figure 4.)

Longer periods of imprisonment for drug and immigration offenders were responsible for most of that cost. The same formula calculates that the additional 35.4 months served by drug offenders cost \$1.5 billion a year.²⁵ The extra 12.9 months for immigration offenders cost \$700 million annually.²⁶

Research finds few public safety benefits of more time served

Congress increased prisoners' length of stay not only to impose greater punishment on offenders, but also to improve public safety by incapacitating convicted defendants and deterring would-be offenders. Research suggests, however, that dramatic increases in prison time have little effect on public safety. The National Research Council concluded in a comprehensive 2014 report that "statutes mandating lengthy prison sentences cannot be justified on the basis of their effectiveness in preventing crime."²⁷

Many other studies have painted a similar picture. One meta-analysis of 19 studies found that increased imprisonment "appears to have a null or mildly criminogenic effect on future criminal behavior"—in other words, that incarceration actually may increase inmates' likelihood of offending again in the future.²⁸ Another analysis found that the amount of time served had no effect on recidivism rates for those serving sentences of five years or less, though it did have some effect for those serving 10 years or longer—mainly because of inmates "aging out" of crime, rather than being deterred.²⁹ A third study found "modest incapacitation effects" of incarceration but concluded that these effects were "offset by long-term increases in post-release criminal behavior" and diminished economic self-sustainability among released offenders.³⁰

Although the federal government generally has increased criminal penalties over the long term, in recent years it has made targeted sentencing reductions with no apparent harm to public safety. In 2007, the Sentencing Commission retroactively reduced sentencing guidelines for thousands of crack cocaine offenders.³¹ A follow-up study on the effects of this change found no increase in recidivism among offenders who received sentence reductions compared with those who did not.³²

Figure 4
Time Is Money
Longer prison terms for federal offenders released in 2012 cost nearly \$2.7 billion

\$2,197
Average per-inmate cost of 1 month in federal prison in 2012

x

19.6 months
Additional time offenders released in 2012 served, compared with 1988

=

\$43,061
Average per-inmate cost of increased time served for those released in 2012

x

61,699
Offenders released in 2012

=

\$2.7 billion
Total annual cost of keeping offenders in prison for 19.6 months longer

Sources: Bureau of Prisons; Bureau of Justice Statistics

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In 2010, Congress followed the Sentencing Commission’s change in guidelines with a broader, statutory reduction in crack cocaine sentences, known as the Fair Sentencing Act. A comprehensive 2015 report authored by the Sentencing Commission found that the law led to a significant decline in the federal prison population and did not change offenders’ rates of cooperation with law enforcement investigations or slow the ongoing decline in crack cocaine use nationwide.³³

The public appears willing to support such targeted reductions in sentences and time served. Polls show that voters are flexible about the amount of time that offenders serve in prison, preferring that policymakers focus on reducing recidivism.³⁴ (See Figure 5.)

Figure 5

Voters Are Flexible on Amount of Time Served by Inmates

Preventing recidivism is a bigger public priority

“It does not matter whether a non-violent offender is in prison for 18 or 24 or 30 months. What really matters is that the system does a better job of making sure that when an offender does get out, he is less likely to commit another crime.”



Source: The Pew Charitable Trusts, “Public Opinion on Sentencing and Corrections in America” (March 2012), http://www.pewtrusts.org/-/media/Assets/2012/03/30/PEW_NationalSurveyResearchPaper_FINAL.pdf

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Conclusion

The dramatic increase in the average amount of time served by federal inmates cost taxpayers an estimated \$2.7 billion in 2012 and is largely the result of policy choices made by federal lawmakers during the 1980s and 1990s. During that period, Congress created the U.S. Sentencing Commission, which established guidelines that increased sentence lengths; abolished federal parole, requiring inmates to serve a much larger proportion of their sentences behind bars; and enacted mandatory minimum sentences for a broad variety of offenses, requiring judges to impose penalties set out in statute.

These policies were crafted in response to rising violent and property crime rates and growing concerns about public safety. The best available research, however, indicates that longer prison terms have little or no effect on recidivism and crime rates, and that recent sentence reductions for certain federal offenders have had no measurable impact on public safety.

Endnotes

- 1 For the 1988 data, see Bureau of Justice Statistics, *Federal Criminal Case Processing 1982-1993*, Table 18, <http://www.bjs.gov/content/pub/pdf/Fccp93.pdf>; for the 2012 data, see Bureau of Justice Statistics, *Federal Justice Statistics 2012—Statistical Tables*, Table 7.11, <http://www.bjs.gov/content/pub/pdf/fjs12st.pdf>. Pew used the 1988-2012 period to capture all available yearly data.
- 2 Ibid.
- 3 Pew analysis. See Figure 4 for calculation.
- 4 For the crime prevention effects of increased prison terms, see National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (2014), 155-6, <http://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>. For the recidivism effects of reduced federal penalties for crack cocaine offenders, see Kim Steven Hunt and Andrew Peterson, “Recidivism Among Offenders Receiving Retroactive Sentence Reductions: The 2007 Crack Cocaine Amendment” (May 2014), U.S. Sentencing Commission, http://www.uscc.gov/sites/default/files/pdf/research-and-publications/research-projects-and-surveys/miscellaneous/20140527_Recidivism_2007_Crack_Cocaine_Amendment.pdf.
- 5 Bureau of Justice Statistics, Corrections Statistical Analysis Tool—Prisoners, <http://www.bjs.gov/index.cfm?ty=nps>. Pew collected annual admissions data by building a custom table using total federal prison admissions from 1988 to 2012. Admissions data were not available for 1990-1992.
- 6 Pew collected annual time served data by consulting multiple reports published by the Bureau of Justice Statistics. For the 1988-1994 data, see *Federal Criminal Case Processing 1982-1993*, Table 18; for the 1995-2003 data, see *Compendium of Federal Justice Statistics 1995-2003*; for the 2004-2012 data, see *Federal Justice Statistics-Statistical Tables 2004-2012*.
- 7 Bureau of Justice Statistics, Corrections Statistical Analysis Tool—Prisoners. Pew collected annual federal prison population data by building a custom table using end-of-year, total jurisdictional offender figures from 1988 to 2012.
- 8 Kamala Mallik-Kane, Barbara Parthasarathy, and William Adams, “Examining Growth in the Federal Prison Population, 1998 to 2010” (September 2012), Urban Institute, <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/412720-Examining-Growth-in-the-Federal-Prison-Population--to--.PDF>.
- 9 The Pew Charitable Trusts, “Federal Prison System Shows Dramatic Long-Term Growth” (February 2015), http://www.pewtrusts.org/~media/Assets/2015/02/Pew_Federal_Prison_Growth.pdf.
- 10 Ibid.
- 11 Unless otherwise noted, all data in this section are drawn from two sources: For the 1988 figures, see Bureau of Justice Statistics, *Federal Criminal Case Processing 1982-1993*, Table 18; for the 2012 figures, see Bureau of Justice Statistics, *Federal Justice Statistics 2012—Statistical Tables*, Table 7.11.
- 12 For the 1988 figure, see University at Albany, *Sourcebook of Criminal Justice Statistics 2003*, Table 6.57, <http://www.albany.edu/sourcebook/pdf/t657.pdf>. For the 2012 figure, see Bureau of Justice Statistics, *Prisoners in 2012* (December 2013), Appendix Table 10, <http://www.bjs.gov/content/pub/pdf/p12tar9112.pdf>.
- 13 Pew omitted offenses that were not tracked consistently by the Bureau of Justice Statistics during the evaluation period.
- 14 See, for example, U.S. Sentencing Commission, *Mandatory Minimum Penalties in the Federal Criminal Justice System*, Chapter 2, <http://www.uscc.gov/news/congressional-testimony-and-reports/mandatory-minimum-penalties/special-report-congress>, and *Report on Cocaine and Federal Sentencing Policy*, Chapter 6, <http://www.uscc.gov/report-cocaine-and-federal-sentencing-policy-2>.
- 15 Federal Bureau of Investigation, Uniform Crime Reporting data tool, <http://www.ucrdatatool.gov>.
- 16 National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (2014), 78, <http://www.nap.edu/catalog/18613/the-growth-of-incarceration-in-the-united-states-exploring-causes>.
- 17 U.S. Sentencing Commission, *The Sentencing Reform Act of 1984: Principal Features*, <http://www.uscc.gov/research-and-publications/working-group-reports/simplification/simplification-draft-paper-2>.
- 18 Bureau of Justice Statistics, *Time Served in Prison by Federal Offenders, 1986-1997*, Table 1, <http://www.bjs.gov/content/pub/pdf/tspfo97.pdf>
- 19 Offenders released from federal prison in 2012 served an average of 88 percent of their sentences. See Bureau of Justice Statistics, *Federal Justice Statistics 2012—Statistical Tables*, Table 7.11.
- 20 Families Against Mandatory Minimums, *Federal Mandatory Minimums*, <http://famm.org/wp-content/uploads/2013/08/Chart-All-Fed-MMs-NW.pdf>.
- 21 Charles Doyle, *Federal Mandatory Minimum Sentencing Statutes* (Washington: Congressional Research Service, 2013), <https://www.fas.org/sgp/crs/misc/RL32040.pdf>.

- 22 The Pew Charitable Trusts, "Federal Drug Sentencing Laws Bring High Cost, Low Return" (August 2015), Figure 1, http://www.pewtrusts.org/-/media/Assets/2015/08/PSPP_FedDrug_brief.pdf.
- 23 Federal Bureau of Prisons, "Federal Prison System Per Capita Costs FY 2012," http://www.bop.gov/foia/fy12_per_capita_costs.pdf. Pew divided the annual cost of \$26,359 by 12 months.
- 24 The average time served by offenders released from federal prison increased from 17.9 months in 1988 to 37.5 in 2012. In 2012, 61,699 inmates left federal prison; see Bureau of Justice Statistics, *Federal Justice Statistics 2012—Statistical Tables*, Table 7.11.
- 25 The average time served by drug offenders released from federal prison increased from 23.2 months in 1988 to 58.6 in 2012. In 2012, 19,416 drug offenders left federal prison; see Bureau of Justice Statistics, *Federal Justice Statistics 2012—Statistical Tables*, Table 7.11.
- 26 The average time served by immigration offenders released from federal prison increased from 4.4 months in 1988 to 17.3 in 2012. In 2012, 24,483 immigration offenders left federal prison; see Bureau of Justice Statistics, *Federal Justice Statistics 2012—Statistical Tables*, Table 7.11.
- 27 National Research Council, *The Growth of Incarceration in the United States: Exploring Causes and Consequences* (2014), 156.
- 28 Daniel S. Nagin, Francis T. Cullen, and Cheryl Lero Jonson, "Imprisonment and Reoffending," *Crime and Justice* 38 (2009): 115-200, <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=264336>.
- 29 Benjamin Meade et al., "Estimating a Dose-Response Relationship Between Time Served in Prison and Recidivism," *Journal of Research in Crime and Delinquency* 50 (2013): 525-550, <http://jrc.sagepub.com/content/50/4/525.abstract>.
- 30 Michael Mueller-Smith, *The Criminal and Labor Market Impacts of Incarceration* (November 2014), Columbia University, <http://www.columbia.edu/~mgm2146/incar.pdf>.
- 31 U.S. Sentencing Commission, "U.S. Sentencing Commission Votes Unanimously to Apply Amendment Retroactively for Crack Cocaine Offenses" (Dec. 11, 2007), <http://www.ussc.gov/news/press-releases-and-news-advisories/december-11-2007>.
- 32 Hunt and Peterson, "Recidivism Among Offenders Receiving Retroactive Sentence Reductions: The 2007 Crack Cocaine Amendment."
- 33 U.S. Sentencing Commission, *Report to the Congress: Impact of the Fair Sentencing Act of 2010* (August 2015), http://www.ussc.gov/sites/default/files/pdf/news/congressional-testimony-and-reports/drug-topics/201507_RtC_Fair-Sentencing-Act.pdf.
- 34 The Pew Charitable Trusts, "Public Opinion on Sentencing and Corrections Policy in America" (March 2012), http://www.pewtrusts.org/-/media/Assets/2012/03/30/PEW_NationalSurveyResearchPaper_FINAL.pdf.

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