

# BRENNAN CENTER FOR JUSTICE

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## TWENTY YEARS

*at New York University School of Law*

### **Update: Changes in State Imprisonment**

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Today, there are 2.3 million people in the nation's prisons and jails — a 500 percent increase over the last forty years. With almost one in 100 American adults behind bars, our incarceration rate is the world's highest.<sup>1</sup> Although the U.S. only holds 5 percent of the world's population, it hosts 25 percent of the world's incarcerated population.

There are vast consequences to this unprecedented growth in incarceration. America spends \$262 billion a year to run its criminal justice system.<sup>2</sup> The toll is not merely fiscal. Prisoners suffer from wage losses that make reentering the community difficult, and miss out on job opportunities and public housing options due to criminal records. Therefore, it should not be surprising that 45 percent of prisoners end up back in prison.<sup>3</sup>

This fact sheet provides an update to findings on state imprisonment trends originally outlined in [\*The Reverse Mass Incarceration Act\*](#).<sup>4</sup> It analyzes data from all 50 states on imprisonment and crime from 2006 (as bipartisan criminal justice reforms generally began around 2007) through 2014 (the most recent year of data).

Two overarching findings:

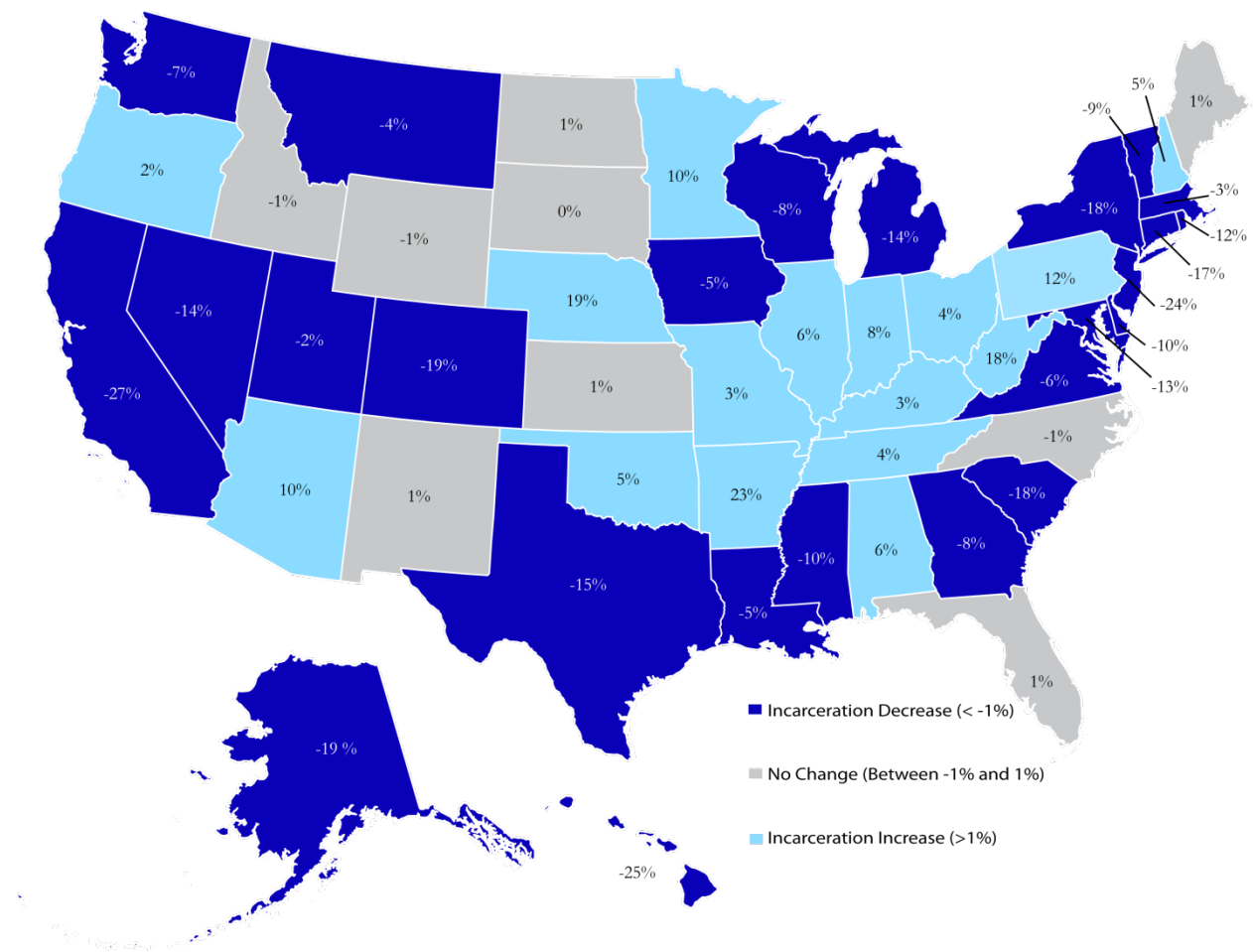
1. Many argue that increased incarceration is necessary to reduce crime. Yet the data shows the opposite. Over the last ten years, 27 states have decreased both crime and imprisonment. Not only is this trend possible, it's played out in the majority of states.<sup>5</sup> Nationally, imprisonment and crime have fallen together, 7 percent and 23 percent respectively since 2006. Crime continued its downward trend while incarceration also decreased.
2. In recent years, states in the South have seen some of the largest decreases in imprisonment. Yet, they also remain the largest incarcerators in the country. Mississippi reduced imprisonment by 10 percent but still has the nation's 5th highest incarceration rate. Texas has reduced imprisonment by 15 percent yet still has the 7th highest imprisonment rate in the country.

## Summary of Findings

Figures 1 and 2 and Tables 1 and 2 distill these results:

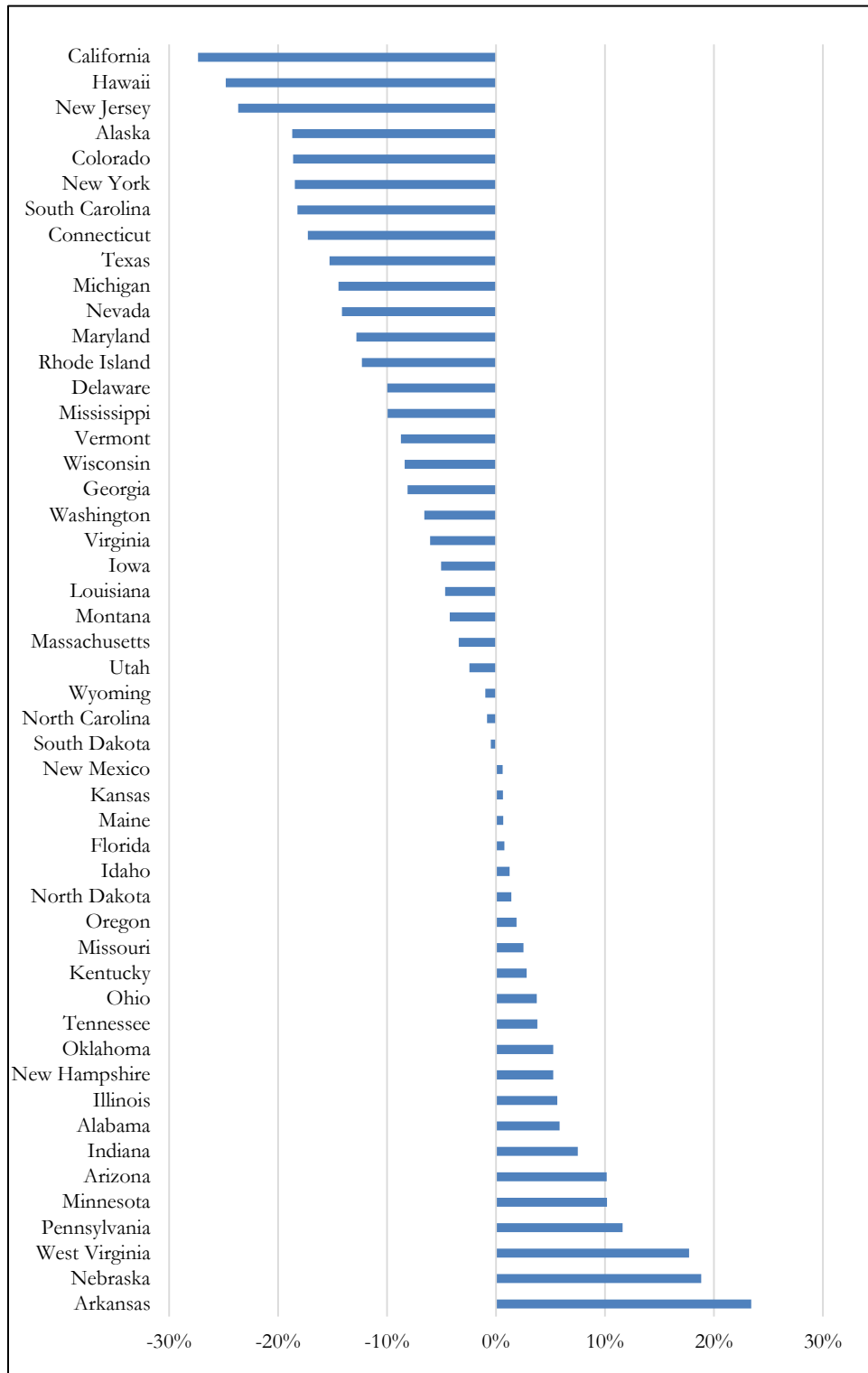
- Since 2006, the national state imprisonment rate has dropped by 7 percent. 28 states reduced their prison populations. Of those, every state but one (South Dakota) also saw crime drop.
- In fact, many states with the most dramatic crime drops also shrank their incarcerated populations. Large states, such as California (27 percent), New York (18 percent), and Texas (15 percent) experienced some of the most significant reductions in incarceration while also experiencing crime drops of over 15 percent each.
- Southern states in particular, such as Mississippi (10 percent) and South Carolina (18 percent) have made significant strides in cutting prison populations.

**Figure 1: Change in State Imprisonment Rates (2006-2014)**



Source: U.S. Bureau of Justice Statistics.<sup>6</sup>

**Figure 2: Change in Imprisonment Rates by State (2006-2014)**



Source: U.S. Bureau of Justice Statistics and U.S. Census Bureau.<sup>7</sup>

**Table 1: Prison Population & Rates per 100,000 Residents by State (2006-2014)**

State	2006 Rate	2014 Rate	Change in Rate	2006 Prisoners	2014 Prisoners	Change in # of Prisoners
Massachusetts	146	141	-3%	9,472	9,486	14
Maine	152	153	1%	1,997	2,030	33
Rhode Island	203	178	-12%	2,149	1,880	-269
Minnesota	177	195	10%	9,108	10,637	1,529
North Dakota	214	217	1%	1,363	1,603	240
New Hampshire	209	220	5%	2,737	2,915	178
Utah	245	239	-2%	6,340	7,024	684
Vermont	264	241	-9%	1,634	1,508	-126
New Jersey	317	242	-24%	27,371	21,590	-5,781
Washington	274	256	-7%	17,483	18,052	569
Hawaii	343	258	-25%	4,373	3,663	-710
New York	325	265	-18%	62,974	52,399	-10,575
Iowa	298	283	-5%	8,838	8,798	-40
Nebraska	239	284	19%	4,204	5,347	1,143
Kansas	320	322	1%	8,816	9,365	549
Connecticut	394	326	-17%	13,746	11,735	-2,011
New Mexico	327	329	1%	6,361	6,860	499
Maryland	398	347	-13%	22,316	20,733	-1,583
California	483	351	-27%	173,942	136,088	-37,854
North Carolina	363	360	-1%	32,219	35,769	3,550
Montana	377	361	-4%	3,563	3,699	136
West Virginia	316	372	18%	5,719	6,881	1,162
Wisconsin	406	372	-8%	22,618	21,404	-1,214
Alaska	460	374	-19%	3,116	2,754	-362
Illinois	355	375	6%	45,106	48,278	3,172
Oregon	372	379	2%	13,667	15,060	1,393
Colorado	473	385	-19%	22,481	20,646	-1,835
Pennsylvania	353	394	12%	43,998	50,423	6,425
Wyoming	412	408	-1%	2,114	2,383	269
South Dakota	425	423	0%	3,350	3,605	255
South Carolina	527	431	-18%	22,861	20,830	-2,031
Nevada	509	437	-14%	12,691	12,415	-276
Michigan	512	438	-14%	51,577	43,359	-8,218
Tennessee	423	439	4%	25,745	28,769	3,024
Delaware	492	443	-10%	4,195	4,141	-54
Indiana	413	444	8%	26,055	29,261	3,206
Ohio	428	444	4%	49,166	51,519	2,353
Virginia	480	451	-6%	36,688	37,544	856
Kentucky	462	475	3%	19,514	20,969	1,455
Idaho	486	492	1%	7,124	8,039	915
Florida	513	517	1%	92,874	102,870	9,996
Georgia	566	520	-8%	52,781	52,485	-296
Missouri	514	527	3%	30,146	31,938	1,792
Texas	694	588	-15%	162,193	158,589	-3,604
Arizona	542	597	10%	33,557	40,175	6,618
Mississippi	663	597	-10%	19,219	17,876	-1,343
Arkansas	487	601	23%	13,713	17,819	4,106
Alabama	599	634	6%	27,526	30,766	3,240
Oklahoma	668	703	5%	23,889	27,261	3,372
Louisiana	858	818	-5%	36,376	38,022	1,646

Source: U.S. Bureau of Justice Statistics and U.S. Census Bureau. (Chart sorted by 2014 imprisonment rate.)<sup>8</sup>

**Table 2: Crime Rate per 100,000 Residents by State (2006-2014)**

State	Violent Crime Rate (2006)	Violent Crime Rate (2014)	Percent Change	Crime Rate (2006)	Crime Rate (2014)	Percent Change
Vermont	117.3	81.7	-30%	2508.7	1606.1	-36%
Maine	90.2	91.3	1%	2637.0	2077.8	-21%
New Hampshire	113.3	151.3	34%	2095.2	2114.0	1%
Wyoming	224.5	165.7	-26%	3211.0	2130.4	-34%
Utah	191.4	166.2	-13%	3703.9	3044.7	-18%
Virginia	259.8	168.5	-35%	2749.1	2098.8	-24%
Idaho	208.3	174.9	-16%	2604.2	2029.7	-22%
Kentucky	238.9	179.0	-25%	2840.6	2425.9	-15%
Rhode Island	203.4	185.0	-9%	2818.0	2358.6	-16%
Minnesota	278.6	192.5	-31%	3361.1	2490.0	-26%
Oregon	251.7	195.6	-22%	3976.8	3074.7	-23%
Connecticut	279.9	215.2	-23%	2866.0	2135.6	-25%
North Dakota	159.5	216.6	36%	2260.4	2326.9	3%
Hawaii	253.2	227.9	-10%	4473.1	3277.9	-27%
Nebraska	261.3	234.5	-10%	3621.0	2758.0	-24%
Iowa	256.5	237.2	-8%	3080.1	2330.9	-24%
Ohio	319.9	241.4	-25%	4008.1	3040.5	-24%
Mississippi	276.1	243.1	-12%	3466.4	3164.3	-9%
New Jersey	336.4	246.9	-27%	2615.2	1981.0	-24%
Washington	305.7	247.0	-19%	4815.8	3953.1	-18%
Colorado	350.0	252.3	-28%	3788.4	2782.5	-27%
Wisconsin	263.9	261.2	-1%	3084.9	2349.6	-24%
Montana	340.5	270.8	-20%	3197.2	2743.7	-14%
South Dakota	205.4	271.5	32%	1971.8	2135.3	8%
West Virginia	259.0	274.7	6%	2895.3	2309.4	-20%
Pennsylvania	413.3	284.2	-31%	2861.6	2215.9	-23%
Kansas	386.4	300.0	-22%	4158.4	3035.2	-27%
North Carolina	447.0	305.2	-32%	4563.2	3178.2	-30%
Indiana	292.9	332.2	13%	3742.4	2981.6	-20%
Illinois	509.8	337.7	-34%	3529.5	2413.6	-32%
Georgia	454.8	347.1	-24%	4328.3	3628.3	-16%
Arizona	502.8	349.7	-30%	5277.0	3547.2	-33%
New York	418.8	354.3	-15%	2483.3	2072.5	-17%
Massachusetts	473.0	359.0	-24%	2864.4	2216.1	-23%
Oklahoma	458.7	360.2	-21%	4083.2	3350.9	-18%
Texas	481.4	363.6	-24%	4564.5	3383.0	-26%
Michigan	511.4	364.0	-29%	3736.5	2407.9	-36%
California	508.1	366.4	-28%	3689.9	2807.5	-24%
Alabama	389.4	386.1	-1%	4330.4	3563.7	-18%
Missouri	515.7	403.7	-22%	4349.7	3310.2	-24%
Maryland	657.7	419.0	-36%	4138.7	2926.5	-29%
Arkansas	505.6	420.7	-17%	4491.1	3758.7	-16%
Delaware	652.2	447.8	-31%	4128.5	3429.8	-17%
South Carolina	728.7	454.9	-38%	5003.2	3915.2	-22%
Louisiana	684.2	485.2	-29%	4765.0	3944.0	-17%
Florida	680.6	497.4	-27%	4666.9	3912.9	-16%
New Mexico	599.8	526.7	-12%	4488.1	4069.0	-9%
Alaska	611.6	531.1	-13%	4189.7	3291.2	-21%
Tennessee	726.1	569.8	-22%	4863.7	3630.3	-25%
Nevada	705.1	587.8	-17%	4805.9	3213.2	-33%

Source: F.B.I. Uniform Crime Reports. (Chart sorted by 2014 violent crime.)<sup>9</sup>

## State Snapshots

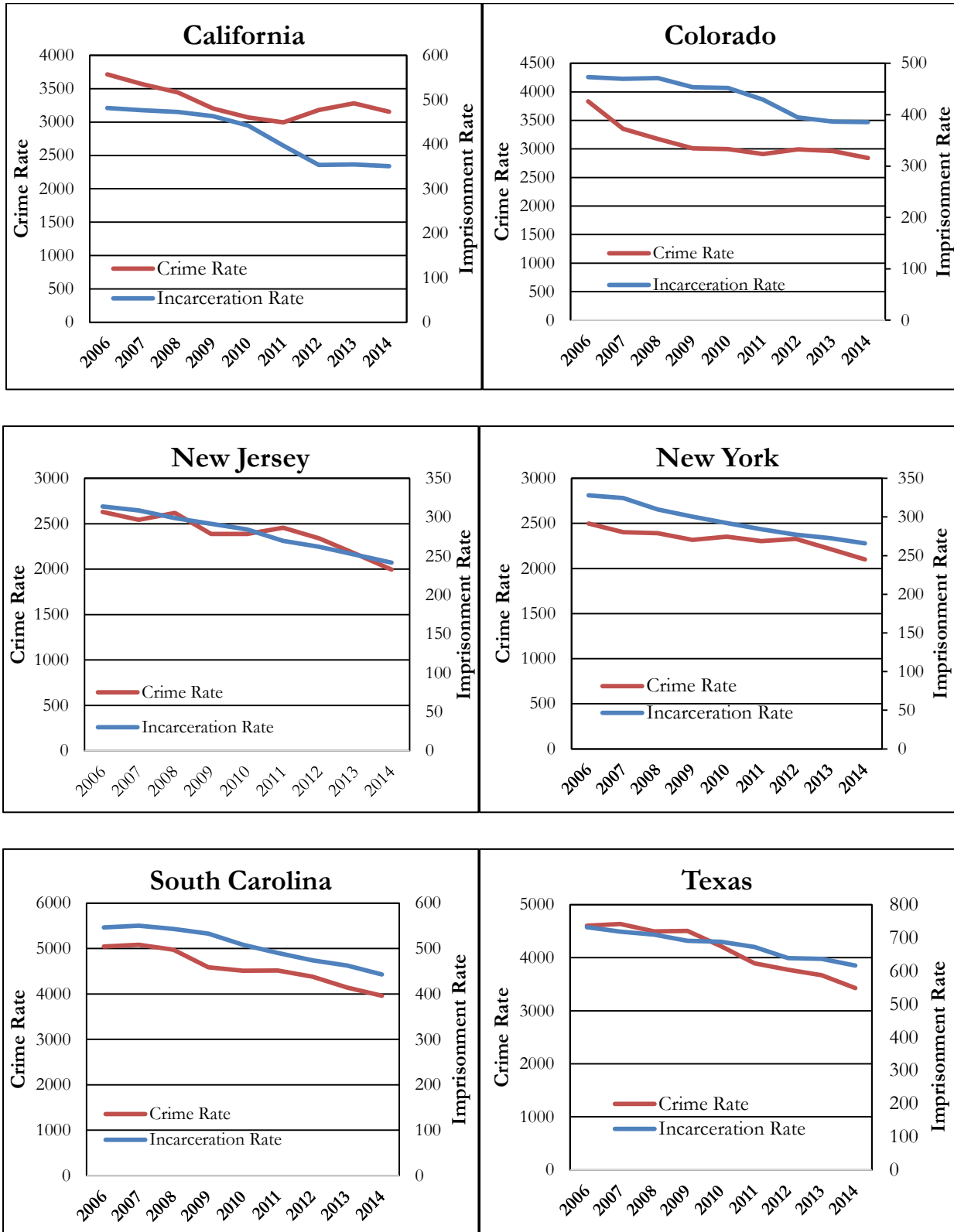
Figure 3 shows examples of states that lowered both imprisonment and crime:

- States that lowered both crime and imprisonment rates were politically and geographically diverse. They include states in the Northeast (N.Y., N.J.), West (Calif., Colo.), and South (S.C., Texas).
- South Carolina saw a 38 percent drop in violent crime, the largest in the nation. It also saw a substantial 18 percent drop in its prison population, as shown in Table 1. In 2010, South Carolina enacted new laws to eliminate some mandatory minimum sentences, change lower-level property crimes from felonies to misdemeanors, and improve their parole and probation release process.<sup>10</sup> These changes saved the state \$18 million over four years, while crime fell by 22 percent in the same time span.<sup>11</sup>
- New Jersey has also been a leader on criminal justice reform. Not only has the state lowered incarceration and crime by 24 percent each, but it also recently passed a bill enacting bail reform.<sup>12</sup> New Jersey safely downsized its prison population by enhancing the administrative efficiency of its parole process and increasing flexibility in the sentencing of low-level drug offenders.<sup>13</sup>

Some states increased imprisonment. Figure 4 provides examples:

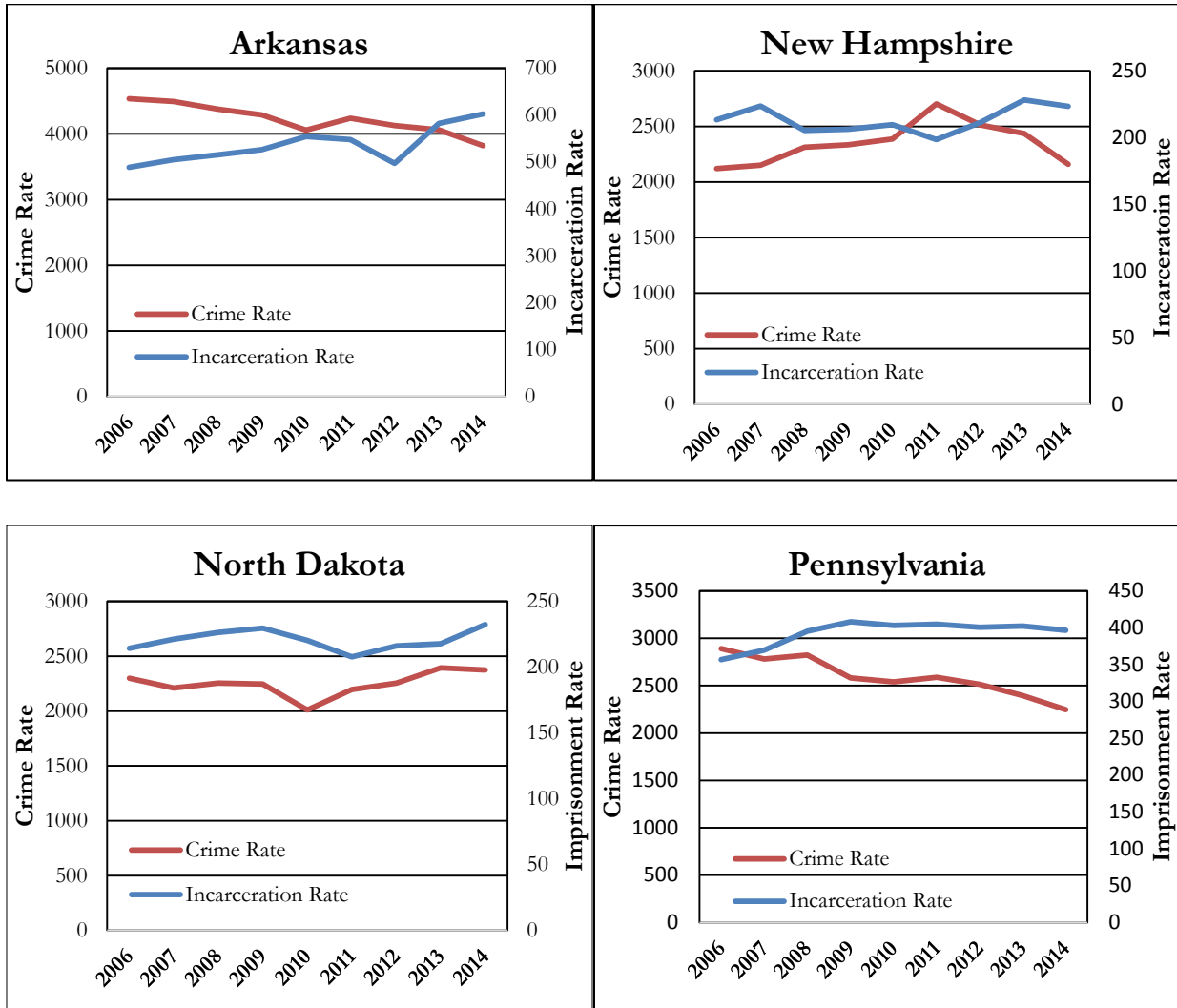
- 22 states increased their prison population, and saw crime drop by an average of 20 percent.
- Two states separated by many miles, North Dakota and New Hampshire, increased imprisonment and saw increases in overall crime. These two states also had the largest increases in violent crime.
- Arkansas had the largest imprisonment rate increase in the nation, ballooning by over 20 percent to almost 18,000 prisoners. Its crime rate fell, but at a much slower pace than most of the rest of the nation (40 states).
- Pennsylvania's imprisonment rate grew by 13 percent until 2011. After 2011, it decreased by 2 percent, likely because of legislation passed in 2012 that mandated alternatives to incarceration for some misdemeanors and increased supervision and resources to those leaving prison.<sup>14</sup>

**Figure 3: States that Lowered Imprisonment and Crime (2006-2014)**



Source: U.S. Bureau of Justice Statistics, F.B.I. Uniform Crime Reports, and U.S. Census Bureau.<sup>15</sup>

Figure 4: States that Increased Imprisonment (2006-2014)



Source: U.S. Bureau of Justice Statistics, F.B.I. Uniform Crime Reports, and U.S. Census Bureau.<sup>16</sup>

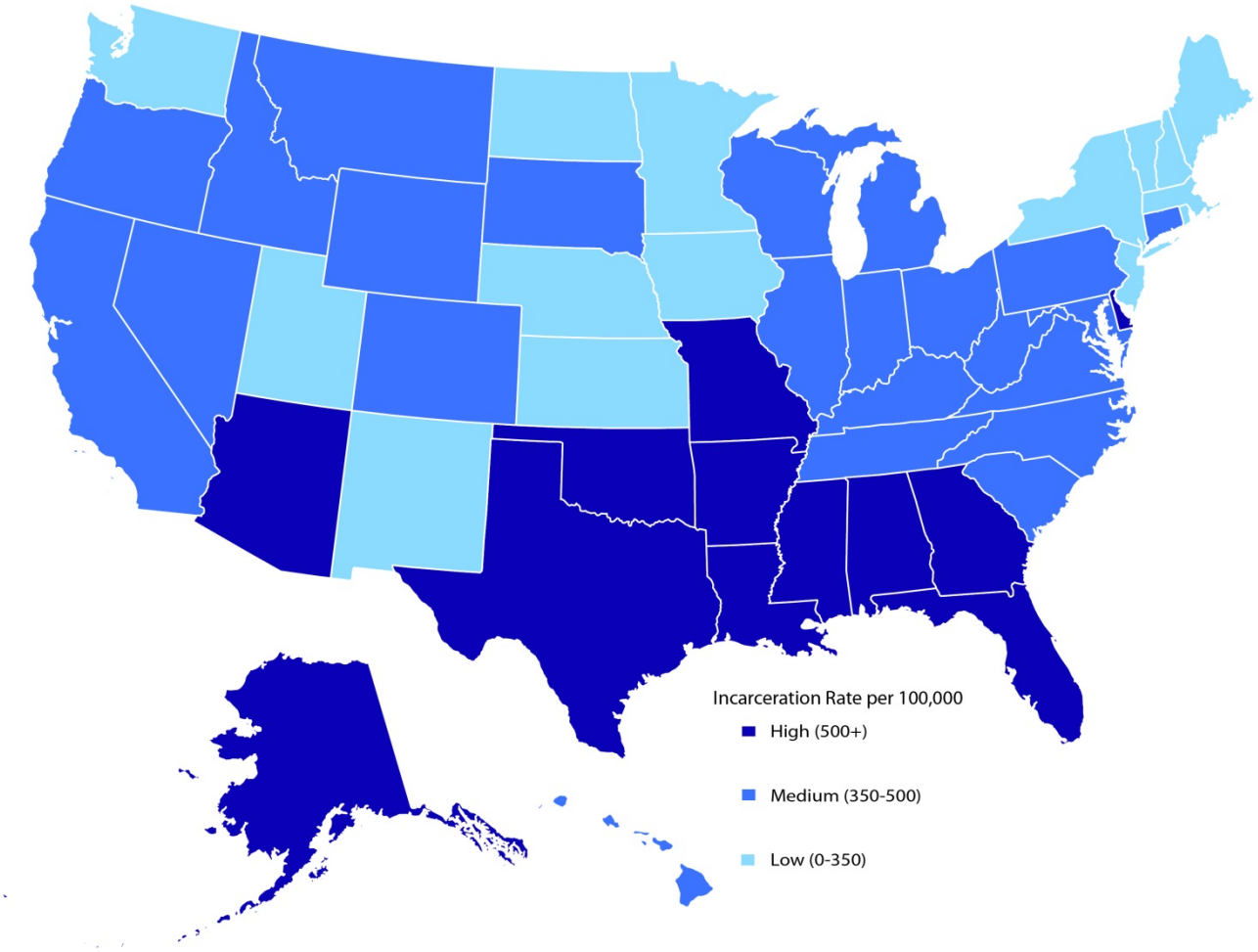


## Current Imprisonment Rates

Figure 5 maps the most recent imprisonment rates in states:

- Imprisonment rates remain high throughout the country. Even states with moderate imprisonment rates for the United States (between 350-500 per 100,000 people) are high compared to other western democracies.<sup>17</sup>
- An increase in imprisonment does not always correlate to a decrease in crime, or vice versa.
- For example, Maine held imprisonment constant, but still has the second lowest imprisonment rate in the nation. On the other hand, Louisiana reduced its use of imprisonment by five percent, but still has the dubious distinction of having the highest imprisonment rate in the country. (See Table 1 for additional details.)
- Generally, the Northeast is home to the country's lowest imprisonment rates, while the South has the highest. There are of course outliers. For example, New Mexico has a low imprisonment rate and is wedged between Texas and Arizona, which have very high incarceration rates.

Figure 5: Imprisonment Rate by State (2014)



Source: U.S. Bureau of Justice Statistics and U.S. Census Bureau.<sup>18</sup>

## Conclusion

The United States is taking slow measures to reduce its prison population, without sacrificing the public safety gains of the last decades. However, as is always the case, the story varies from state to state. Some states have made marked progress to cut their prison populations, while others continue to overrely on incarceration.

## ENDNOTES

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<sup>1</sup> ROY WALMSLEY, INSTITUTE FOR CRIMINAL POLICY RESEARCH, WORLD PRISON BRIEF (2016), *available at* [http://www.prisonstudies.org/sites/default/files/resources/downloads/world\\_prison\\_population\\_list\\_11th\\_edition.pdf](http://www.prisonstudies.org/sites/default/files/resources/downloads/world_prison_population_list_11th_edition.pdf)

<sup>2</sup> *See* NICOLE FORTIER AND INIMAI CHETTIAR, SUCCESS-ORIENTED FUNDING: REFORMING FEDERAL CRIMINAL JUSTICE GRANTS, 3 (2014), *available at* <https://www.brennancenter.org/publication/success-oriented-funding-reforming-federal-criminal-justice-grants>.

<sup>3</sup> BUREAU OF JUSTICE STATISTICS, RECIDIVISM OF PRISONERS RELEASED IN 30 STATES IN 2005: PATTERNS FROM 2005 TO 2010, 14, (2014), *available at* <http://www.bjs.gov/content/pub/pdf/rprts05p0510.pdf>.

<sup>4</sup> Incarceration rates are equal to the number of prisoners in each state sentenced to at least one year in prison divided by the number of residents (in hundreds of thousands). Six states (AL, CT, DE, HI, RI, and VT) do not distinguish between jail and prison inmates in their reports of correctional populations. To adjust, imprisonment rates reflect only those who were sentenced to prison for a year or more.

<sup>5</sup> *See* U.S. CENSUS BUREAU, POPULATION ESTIMATES, HISTORICAL DATA: 2000S (2013), *available at* <https://www.census.gov/popest/data/historical/2000s/index.html>; *See* U.S. CENSUS BUREAU, POPULATION ESTIMATES, STATE TOTALS: VINTAGE 2014 (2015), *available at* <https://www.census.gov/popest/data/state/totals/2014/> (showing 2014 population data); BUREAU OF JUSTICE STATISTICS, CORRECTIONS STATISTICAL ANALYSIS TOOL (CSAT) – PRISONERS, *available at* <http://www.bjs.gov/index.cfm?ty=nps>.

<sup>6</sup> *See* note 2.

<sup>7</sup> *See* note 2.

<sup>8</sup> *See* note 2.

<sup>9</sup> FED. BUREAU OF INVESTIGATION, UNIFORM CRIME REPORTING STATISTICS, STATE-BY-STATE AND NATIONAL CRIME ESTIMATES BY YEAR(S), <http://www.ucrdatatool.gov/Search/Crime/State/StatebyState.cfm> (providing state-by-state data through 2012); FED. BUREAU OF INVESTIGATION, UNIFORM CRIME REPORTING STATISTICS, CRIME IN THE UNITED STATES 2013 (2014), *available at* <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2013/crime-in-the-u.s.-2013>; FED. BUREAU OF INVESTIGATION, UNIFORM CRIME REPORTING STATISTICS, CRIME IN THE UNITED STATES 2014 (2015), *available at* <https://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2014/crime-in-the-u.s.-2014>. Crime rates do not include rape figures because the definition is changed between 2006 and 2014.

<sup>10</sup> *See* PEW CTR. ON THE STATES, ISSUE BRIEF: SOUTH CAROLINA'S PUBLIC SAFETY REFORM: LEGISLATION ENACTS RESEARCH-BASED STRATEGIES TO CUT PRISON GROWTH AND COSTS (2010), *available at* [http://www.pewtrusts.org/~media/legacy/uploadedfiles/wwwpewtrustsorg/reports/sentencing\\_and\\_corrections/psouthcarolinabriefpdf.pdf](http://www.pewtrusts.org/~media/legacy/uploadedfiles/wwwpewtrustsorg/reports/sentencing_and_corrections/psouthcarolinabriefpdf.pdf)

<sup>11</sup> BUREAU OF JUSTICE ASSISTANCE, JUSTICE REINVESTMENT INITIATIVE: SOUTH CAROLINA (2015), [https://www.bja.gov/programs/justicereinvestment/south\\_carolina.html](https://www.bja.gov/programs/justicereinvestment/south_carolina.html).

<sup>12</sup> DRUG POLICY ALLIANCE, WINNING BAIL REFORM IN NEW JERSEY, <http://www.drugpolicy.org/about-us/departments-and-state-offices/new-jersey/new-solutions-campaign/bail-reform/winning-bail-re>.

<sup>13</sup> *Drug Law Changes*, N.Y. State Div. of Crim. Justice Servs., <http://www.criminaljustice.ny.gov/drug-law-reform/>.

<sup>14</sup> *See* JUSTICE CENTER THE COUNCIL ON STATE GOVERNMENTS, JUSTICE REINVESTMENT IN PENNSYLVANIA: A COMPREHENSIVE PUBLIC SAFETY PLAN FOR THE COMMONWEALTH 2-3 (2012), *available at* [https://csgjusticecenter.org/wp-content/uploads/2013/01/JR\\_PA\\_Policy\\_Framework.pdf](https://csgjusticecenter.org/wp-content/uploads/2013/01/JR_PA_Policy_Framework.pdf).

<sup>15</sup> *See* notes 2, 8.

<sup>16</sup> *See* notes 2, 8.

<sup>17</sup> *See* note 1.

<sup>18</sup> *See* note 2.