

The Growth of **INCARCERATION** in the United States

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ISSUE BRIEF

Policy Recommendations

After decades of stability, U.S. federal and state prison populations escalated steadily between 1973 and 2009, growing from about 200,000 people to 1.5 million. The increase was driven more by changes in policy—measures that imprisoned people for a wider range of offenses and imposed longer sentences—than by changes in crime rates. Has this greater reliance on incarceration yielded significant benefits for the nation, or is a change in course needed?

To answer that question, a committee of the National Research Council examined the best available evidence on the effects of high rates of incarceration. The committee found no clear evidence that greater reliance on imprisonment achieved its intended goal of substantially reducing crime. Moreover, the rise in incarceration may have had a wide range of unwanted consequences for society, communities, families, and individuals. The committee's report, *The Growth of Incarceration in the United States: Exploring Causes and Consequences*, urges policymakers to reduce the nation's reliance on incarceration and seek crime-control strategies that are more effective, with better public safety benefits and fewer unwanted consequences.

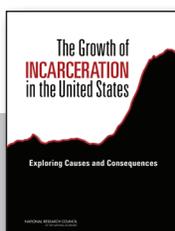


Sentencing, Prison, and Social Policies Should Be Reconsidered

To reduce the nation's use of incarceration, policymakers should reconsider current policies in three areas.

Sentencing Policy. Evidence points to sentencing practices that impose large social, financial, and human costs; yield uncertain benefits; and are inconsistent with the long-standing principles of punishment. The following policies should be reconsidered:

- **Long Sentences.** Evidence suggests they have little public-safety benefit. Measures such as “three-strikes and you’re out” and truth-in-sentencing laws, which require that 85 percent of a sentence be served, increased periods of confinement and have proven to be an inefficient way to reduce crime.
- **Mandatory Minimum Sentences.** Evidence strongly suggests they do little, if anything, to deter crime.
- **Policies on Enforcement of Drug Laws.** Over the decades of the prison buildup, the incarceration rate for drug offenses increased tenfold, yet these increases in imprisonment did not clearly reduce drug use. The war on drugs also had a disparate impact on communities of color, despite the fact that rates of drug use and sales are no higher in these communities than in other communities.



THE GROWTH OF INCARCERATION IN THE UNITED STATES Exploring Causes and Consequences

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Prison Policy. Incarceration can be damaging to inmates' physical and mental health. Steps should be taken to improve the conditions and programs in prisons in ways that will reduce the harmful effects of incarceration and foster the successful reintegration of former prisoners when they are released. When carried out properly, for example, certain forms of cognitive-behavioral therapy, drug treatment, academic programs, and vocational training can reduce the likelihood of reoffending.

Social Policy. Reducing the use of incarceration will not, by itself, relieve the underlying problems of economic insecurity, low education, and poor health that are associated with incarceration in the nation's poorest communities. Sentencing reform and improvements in prison conditions must be buttressed by addressing the problems of school dropout, drug addiction, mental illness, housing insecurity, and unemployment among those at highest risk of incarceration.

If large numbers of intensely disadvantaged men and women remain in, or return to, poor communities without supports, the effects could be broadly harmful. Sustainably reducing incarceration may depend, in part, on whether services and programs are sufficient to meet the needs of those who would otherwise be imprisoned. Policymakers and communities will need to assess and address the availability and quality of social services, including drug treatment, health care, employment, and housing.

Principles to Guide Policy

In a democratic society, policymakers need to consider not only empirical evidence but also principles and values as they determine policies for punishment. The following four principles have helped shape criminal justice in the United States and Europe for hundreds of years. Policymakers should consider these principles as they weigh sentencing and prison policies:

- **Proportionality:** Is the severity of sentences appropriate to the seriousness of the crime?
- **Parsimony:** Is the punishment the minimum necessary to achieve its intended purpose?
- **Citizenship:** Do the conditions and consequences of punishment allow the individual to retain his or her fundamental status as a member of society, rather than violating that status?
- **Social justice:** Do prison policies promote and not undermine the nation's aspirations to be fair in terms of the rights, resources, and opportunities people have?

These principles should complement the objectives of holding offenders accountable and combating crime. Together, they help define a balanced role for the use of incarceration in U.S. society.

This issue brief is one in a series prepared by the Committee on Law and Justice based on the report *The Growth of Incarceration in the United States: Exploring Causes and Consequences*. The study was sponsored by the U.S. Department of Justice and the MacArthur Foundation. Any findings, conclusions, or recommendations expressed in this publication are those of the study committee and do not necessarily reflect those of the sponsors.

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