

# The High Budgetary Cost of Incarceration

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## Executive Summary

The United States currently incarcerates a higher share of its population than any other country in the world. The U.S. incarceration rate – 753 per 100,000 people in 2008 – is now about 240 percent higher than it was in 1980.

We calculate that a reduction by one-half in the incarceration rate of non-violent offenders would lower correctional expenditures by \$16.9 billion per year and return the U.S. to about the same incarceration rate we had in 1993 (which was already high by historical standards). The large majority of these savings would accrue to financially squeezed state and local governments, amounting to about one-fourth of their annual corrections budgets. As a group, state governments could save \$7.6 billion, while local governments could save \$7.2 billion.

A review of the extensive research on incarceration and crime suggests that these savings could be achieved without any appreciable deterioration in public safety.

Other findings include:

- In 2008, one of every 48 working-age men (2.1 percent of all working-age men) was in prison or jail.
- In 2008, the U.S. correctional system held over 2.3 million inmates, about two-thirds in prison and about one-third in jail.
- Non-violent offenders make up over 60 percent of the prison and jail population. Non-violent drug offenders now account for about one-fourth of all offenders behind bars, up from less than 10 percent in 1980.
- The total number of violent crimes was only about three percent higher in 2008 than it was in 1980, while the total number of property crimes was about 20 percent lower. Over the same period, the U.S. population increased about 33 percent and the prison and jail population increased by more than 350 percent.
- Crime can explain only a small portion of the rise in incarceration between 1980 and the early 1990s, and none of the increase in incarceration since then. If incarceration rates had tracked violent crime rates, for example, the incarceration rate would have peaked at 317 per 100,000 in 1992, and fallen to 227 per 100,000 by 2008 – less than one third of the actual 2008 level and about the same level as in 1980.

## Introduction

The United States currently incarcerates a higher percentage of its population than any other country in the world. In 2008, over 2.3 million Americans were in prison or jail, and one of every 48 working-age men was behind bars. These rates are not just far above those of the rest of the world, they are also substantially higher than our own long-standing historical experience. The financial costs of our corrections policies are staggering. In 2008, federal, state, and local governments spent about \$75 billion on corrections,<sup>1</sup> the large majority of which was spent on incarceration. Reducing the number of non-violent offenders in our prisons and jails by half would lower this bill by \$16.9 billion per year, with the largest share of these savings accruing to financially squeezed state and local governments. Every indication is that these savings could be achieved without any appreciable deterioration in public safety.

This report first documents the high and rising rates of incarceration in the United States, comparing the U.S. prison and jail population to the rest of the world and to our own historical experience. The report then reviews the main causes for the rise in incarceration and analyzes the relationship between incarceration and national crime rates. The final section of the report quantifies some of the direct financial costs of incarceration and discusses the scope for budgetary savings, particularly for state and local governments.

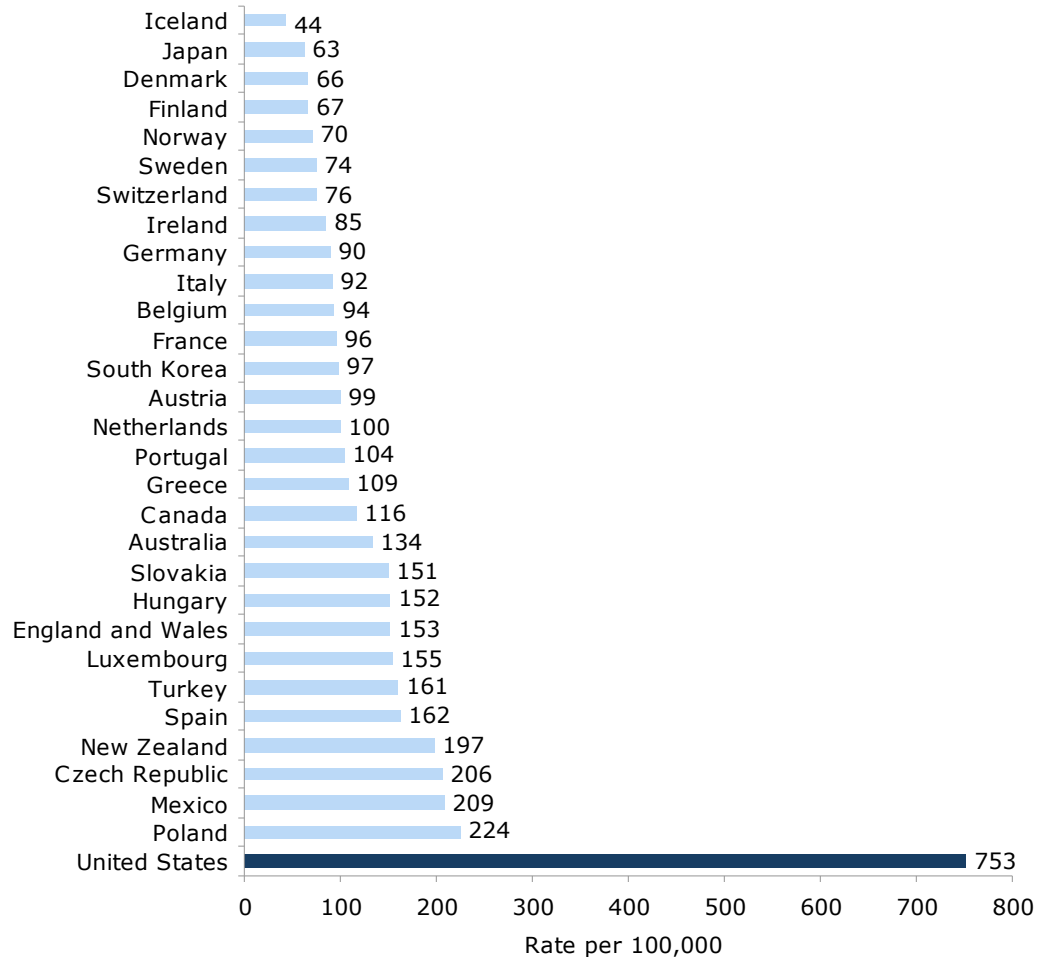
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<sup>1</sup> Authors' projection of 2006 Bureau of Justice Statistics cost data (the most recent available), based on the increase in the correctional population from 2006 to 2008 and adjusted to 2008 dollars.

## Incarceration Nation

The United States has, by far, the highest incarceration rate among the rich countries that are members of the Organization for Economic Cooperation and Development (OECD). **Figure 1** shows the number of inmates per 100,000 people in the 30 OECD countries. Using the most recent data available, in the United States 753 of every 100,000 people are in prison or jail.<sup>2</sup> This rate is more than three times higher than the country with the next-highest incarceration rate, Poland, with a rate of 224. The U.S. rate is over seven times higher than the median rate for the OECD (102) and about 17 times higher than the rate in Iceland (44), the OECD country with the lowest incarceration rate. (**Table 1** presents the incarceration rates for the same countries for the years 1992, 1995, 1998, 2001, 2004, and the most recent year available.)

**FIGURE 1**  
Incarceration Rate per 100,000 in OECD Countries (Most Recent Year, 2008-2009)



Source: Authors' analysis of ICPS data; see appendix for details.

2 Prisons generally house inmates serving sentences of at least one year, and are usually operated by the federal or state governments. Jails generally house inmates serving sentences of less than one year, and are usually operated by local governments. Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont operate integrated systems that combine prisons and jails.

**TABLE 1**  
**Incarceration Rates in OECD Countries, 1992-2008/2009**

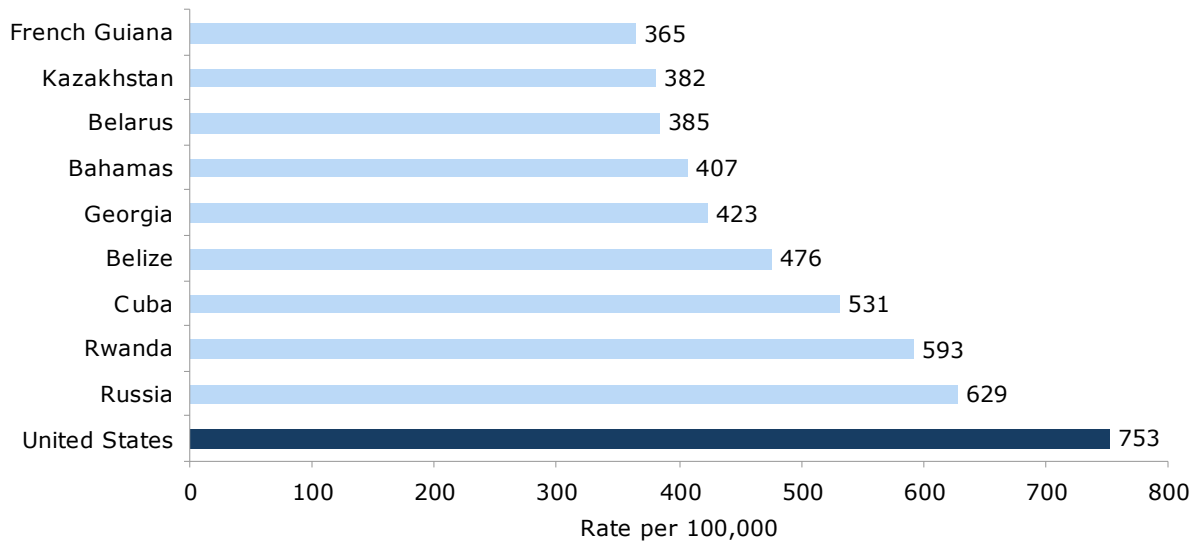
	1992	1995	1998	2001	2004	2008/2009
Australia	89	96	107	116	120	134
Austria	87	78	87	86	110	99
Belgium	71	75	82	85	88	94
Canada	123	131	126	117	108	116
Czech Republic	123	181	209	210	169	206
Denmark	66	66	64	59	70	66
England and Wales	88	99	126	127	141	153
Finland	65	59	50	59	66	67
France	84	89	86	75	92	96
Germany	71	81	96	98	98	90
Greece	61	56	68	79	82	109
Hungary	153	121	140	170	164	152
Iceland	39	44	38	39	39	44
Ireland	61	57	71	78	76	85
Italy	81	87	85	95	96	92
Japan	36	38	42	51	60	63
Luxembourg	89	114	92	80	121	155
Mexico	98	102	133	164	183	209
Netherlands	49	66	85	95	123	100
New Zealand	119	128	143	152	160	197
Norway	58	55	57	59	65	70
Poland	160	158	141	208	211	224
Portugal	93	123	144	128	125	104
Slovakia	124	147	123	138	175	151
South Korea	126	133	147	132	119	97
Spain	90	102	114	117	138	162
Sweden	63	65	60	68	81	74
Switzerland	79	80	85	71	81	76
Turkey	54	82	102	89	100	161
United States	505	600	669	685	723	753

Source: Authors' analysis of ICPS data; see appendix for details.

The U.S. lead in incarceration is not limited just to rich countries. The United States also incarcerates a higher share of its population than any other country in the world. **Figure 2** lists the ten countries with the highest incarceration rates in the world.<sup>3</sup> All of the other countries in the top-ten have a substantially lower GDP per capita than the United States and four were part of the former Soviet Union. Even so, the U.S. incarceration rate is almost 20 percent higher than second-place Russia (629) and over 25 percent higher than third-place Rwanda (593), whose statistics include inmates suspected of genocide.

3 We exclude countries with a population below 100,000, but the United States has a higher incarceration than these countries, too.

**FIGURE 2**  
**Top 10 Countries with Highest Incarceration Rates (Most Recent Year, 2006-2008)**

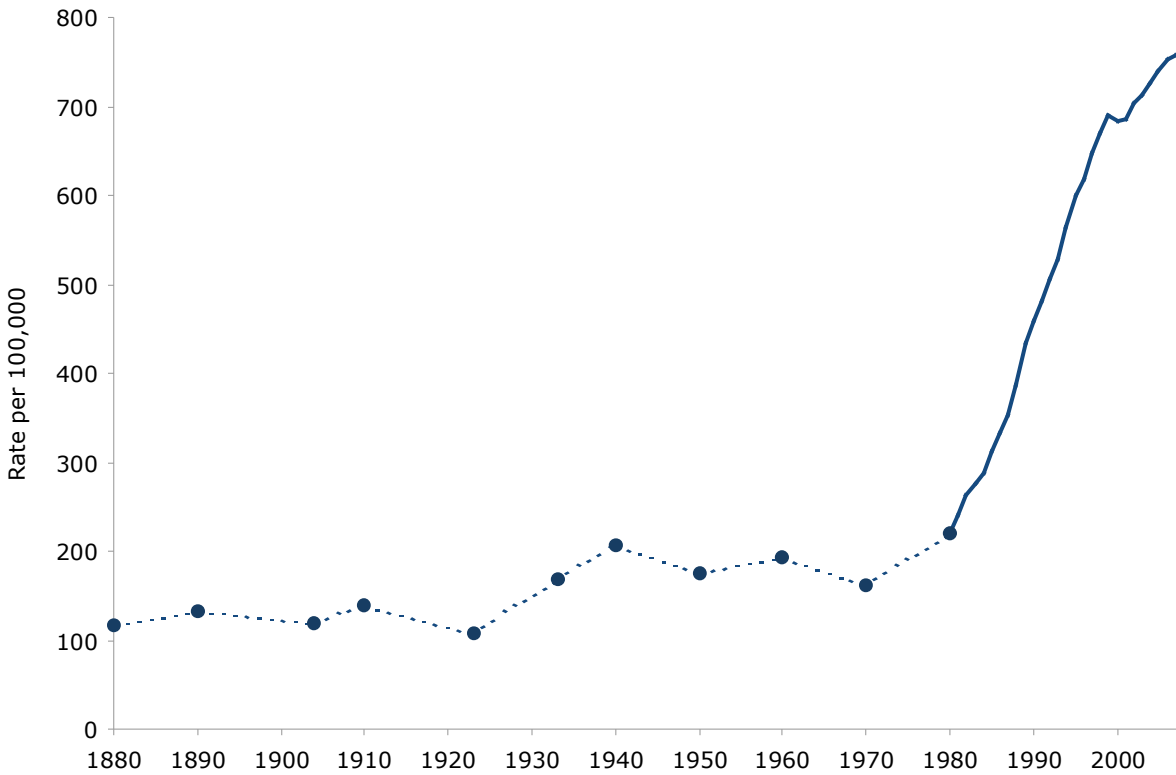


Source: Authors' analysis of ICPS data, see appendix for details; excludes countries with populations less than 100,000. Data for Rwanda includes genocide suspects.

U.S. incarceration rates are also high by our own historical standards. As **Figure 3** demonstrates, from 1880 to 1970 incarceration rates ranged between about 100 and 200 per 100,000.<sup>4</sup> From around 1980, however, the prison and jail population began to grow much more rapidly than the overall population, climbing from about 220 (per 100,000) in 1980, to 458 in 1990, to 683 in 2000, and finally to 753 by 2008. (**Figure 4** shows the total number of inmates in prisons and jails in the United States from 1980 through 2008. In 2008, there were just over 2.3 million inmates, about two-thirds in prison and about one-third in jail.)

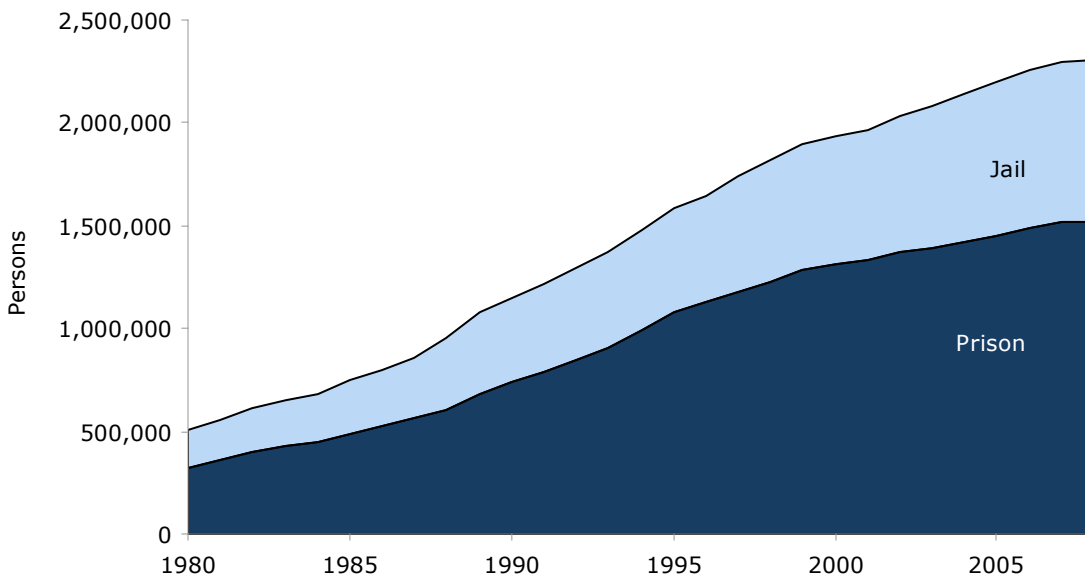
<sup>4</sup> The lowest rate was 107.4 in 1923; the highest rate was 207.4 in 1940.

**FIGURE 3**  
**U.S. Incarceration Rate, 1880-2008**



Source: Bureau of Justice Statistics, Census Bureau, and Cahalan (1986). See Appendix for further details.

**FIGURE 4**  
**U.S. Prison and Jail Population, 1980-2008**



Source: Bureau of Justice Statistics



The standard measure of incarceration – inmates per 100,000 people in the total resident population – masks the strong concentration of men (particularly young men of color<sup>5</sup>) in prison and jail. Based on our analysis of Bureau of Justice Statistics data, for example, we estimate that, in 2008, 2.1 percent of working-age men, or about one in every 48 working-age men in the United States, were in prison or jail (see **Table 2**). In 1960, this figure was 1 in 153 and it changed little by 1980 when it was at 1 in 156.

**TABLE 2**  
**Incarceration Rates for Males Age 18 to 64, 1960-2008**

	1960	1980	2008
Total Prisoners	226,344	319,598	1,518,559
Prisoners, Male	217,806	302,174	1,410,260
Prisoners, Male 18-64	210,129	273,673	1,338,036
Total Jail Inmates	119,671	183,988	785,556
Jail Inmates, Male	111,866	166,305	685,790
Jail Inmates Age, Male 18-64	105,128	159,672	671,475
Total Prison and Jail, Male 18-64	315,258	433,345	2,009,512
Total US Population, Male 18-64	48,212,468	67,729,280	97,228,219
Prison and jail as percent of total US population, Males 18-64	0.65	0.64	2.07
One in every ... men age 18-64 is in prison or jail.	153	156	48

Notes: Authors' estimates based on BJS and Census data. See Appendix for details.

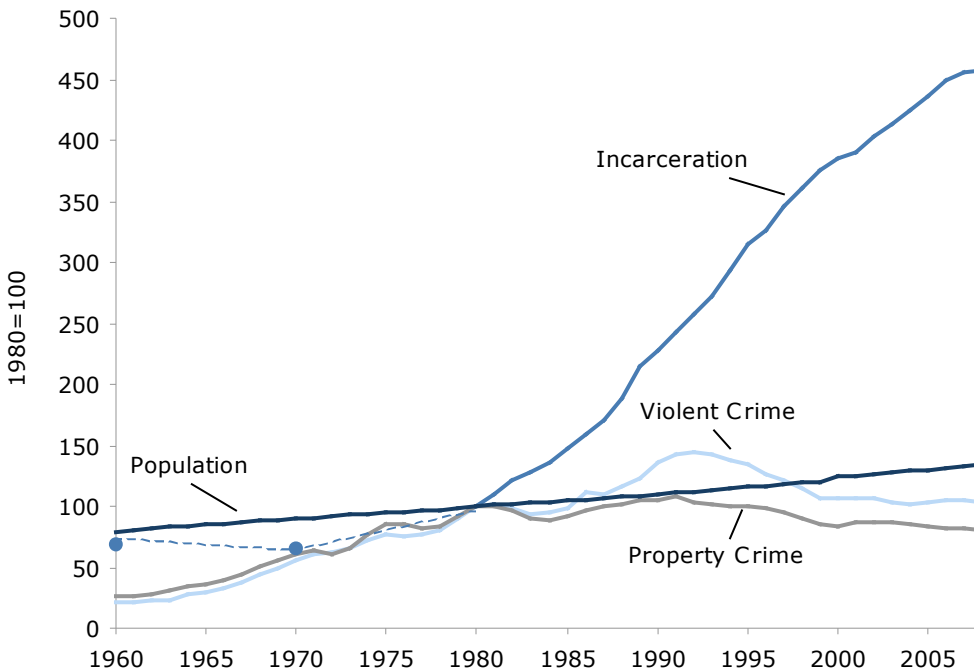
## Crime and Punishment

Why are U.S. incarceration rates so high by international standards and why have they increased so much over the last three decades? The simplest possible explanation would be that the jump in incarceration merely reflects a commensurate rise in crime. The data, however, are clear that increases in crime since 1980 can explain only a small share of the massive rise in incarceration.

**Figure 5** shows the change between 1960 and 2008 in the incarcerated population, the number of violent crimes, the number of property crimes, and the overall population. The figure sets the level of all four statistics at 100 percent in 1980 and graphs the proportional change in each measure before and after that year. The total amount of violent crime did increase after 1980, peaking in 1992 at about 44 percent above its 1980 level. Property crime also rose, but much less, peaking in 1991 at about 7 percent above its 1980 level. Over this same period that violent and property crimes were on the rise, the incarcerated population also grew, but much more rapidly – rising more than 150 percent between 1980 and 1992.

5 For an excellent recent analysis, see Public Safety Performance Project (2008a) and Austin (2007).

**FIGURE 5**  
**Change in Violent and Property Crime, and Inmate and Total Population, 1960-2008**



Source: Authors' analysis of FBI and BJS data.

After 1992, both violent crime and property crime declined – returning by 2008 to close to 1980 levels in the case of violent crime and actually falling well below 1980 levels in the case of property crimes. Even as the total number of violent and property crimes fell, however, the incarcerated population continued to expand rapidly.

These data suggest that rising crime can explain only a small portion of the rise in incarceration between 1980 and the early 1990s, and none of the increase in incarceration since then. If incarceration rates, for example, had tracked violent crime rates, the incarceration rate would have peaked at 317 per 100,000 in 1992, and fallen to 227 per 100,000 by 2008 – less than one third of the actual 2008 level and about the same level as in 1980.

Stricter sentencing policies, particularly for drug-related offenses, rather than rising crime, are the main culprit behind skyrocketing incarceration rates. The last three decades have seen the implementation of new “tough on crime” policies such as three-strikes laws, truth in sentencing laws, and mandatory minimums.<sup>6</sup> These laws have led to a significant increase in the number people who are incarcerated for non-violent offenses. Arrests and convictions for drug offenses have increased dramatically over the last three decades,<sup>7</sup> with non-violent drug offenders now accounting for about one-fourth of all offenders behind bars (see **Table 3**), up from less than 10 percent in 1980.<sup>8</sup> Additionally, during this period, the criminal justice system has moved away from the use of

6 See, for example, Public Safety Performance Project (2007, 2008a), Abramsky (2007), Western (2006), Stemen, Rengifo, and Wilson (2006), and Benson (2009).

7 See Benson (2009).

8 Figure for 1980 calculated based on Mauer and King (2007), who indicate that there were an estimated 41,100 drug offenders in the nation's jails and prisons in 1980.

probation and parole. As a result, convicted criminals today are much more likely than in the past to be sentenced to prison or jail, instead of probation, and to serve longer terms, with less chance of being released on parole.

**TABLE 3**  
**Inmates by Most Serious Offense, 2000s**

Offense / year	Jail 2002 (Percent)	State prison 2006 (Percent)	Federal prison 2008 (Percent)	Estimated total, 2008				
				Jail	State prison	Federal prison	All inmates	
							Percent	Number
<b>Violent Offenses</b>	25.4	50.2	8.5	199,531	662,713	16,849	38.2	879,093
<b>Non-violent offenses</b>	74.5	49.8	91.5	585,239	657,432	181,567	61.8	1,424,238
Property Offenses	24.4	20.9	6.1	191,676	275,910	12,057	20.8	479,643
Drug Offenses	24.7	20.0	52.1	194,032	264,029	103,465	24.4	561,526
Public-Order Offenses	24.9	8.4	32.5	195,603	110,892	64,528	16.1	371,023
Other	0.5	0.5	0.8	3,928	6,601	1,517	0.5	12,045
<b>Total</b>				785,556	1,320,145	198,414		2,304,115

Notes: The estimated totals for 2008 apply the 2002 jail, the 2006 state prison, and the 2008 federal prison offense rates by type to the corresponding jail, state and federal inmate populations for 2008. Individual items may not sum to total due to rounding. Authors' analysis of Bureau of Justice Statistics, "Profile of Jail Inmates, 2002," July 2004, Table 3; and Bureau of Justice Statistics, "Prisoners in 2008," December 2009, Appendix Tables 15 and 17.

While the increase in incarceration is better explained by a shift to harsher sentencing policy than by an explosion in crime, can the case be made that higher levels of incarceration have helped to reduce crime? In a recent review of the extensive research on the relationship between incarceration and crime, Don Stemen, of the Vera Institute of Justice, concludes: "The most sophisticated analyses generally agree that increased incarceration rates have some effect on reducing crime, but the scope of that impact is limited: a 10 percent increase in incarceration is associated with a 2 to 4 percent drop in crime. Moreover, analysts are nearly unanimous in their conclusion that continued growth in incarceration will prevent considerably fewer, if any, crimes than past increases did and will cost taxpayers substantially more to achieve."<sup>9</sup>

Thus, the available evidence suggests that the higher rates of incarceration have made some contribution to lowering the crime rate, either by acting as a deterrent or by warehousing offenders during the ages in their lives when they are most likely to commit crimes. But, the impact of incarceration on crime rates is surprisingly small, and must be weighed against both its high monetary costs to government budgets and its high social costs to prisoners, their families, and their communities.<sup>10</sup>

In the next and final section of this report, we examine the potential financial benefits to the federal, state, and local governments of rethinking sentencing policies for non-violent offenders.

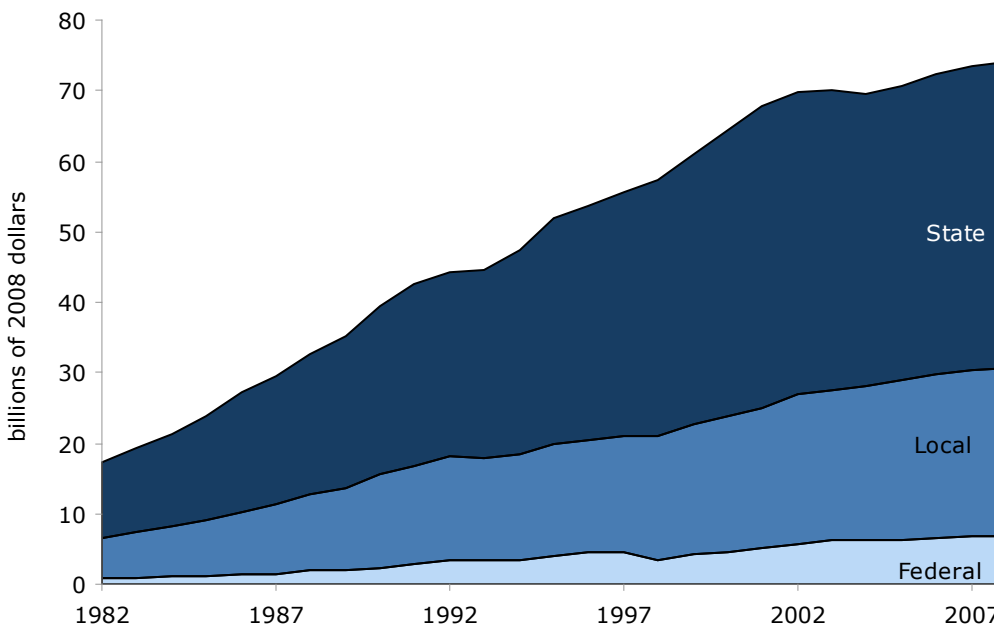
9 Stemen (2007). See also Austin et al. (2007), Irwin, Schiraldi, and Ziedenberg (1999), and Public Safety Performance Project (2007).

10 For discussion of social costs, see Austin et al. (2007).

## The High Cost of Punishment

In 2008, federal, state, and local governments spent nearly \$75 billion on corrections, with the large majority on incarceration. **Figure 6** breaks down total corrections costs across the three levels of government and illustrates that by far the largest share of the costs of corrections are borne by state and local governments. State governments house about 60 percent of inmates and account for about the same share of total correction expenditures. Local governments hold about one third of all inmates and make not quite one third of total corrections spending. The federal government, which holds less than 10 percent of the inmate population, spends just under 10 percent of total national corrections expenditures.

**FIGURE 6**  
Total Inflation-adjusted Corrections Expenditures by Type of Government, 1982-2008



Source: Authors' analysis of BJS data; 2007-2008 values are estimates based on growth in respective inmate populations.

Figure 6 also demonstrates that the total cost (in inflation-adjusted dollars) of government corrections budgets has increased almost in lock-step with the incarceration rate. Given the earlier analysis that higher incarceration rates are overwhelmingly not a function of higher crime rates and that higher incarceration rates have only a small effect on crime rates, the data in Figure 6 suggest that there may be substantial scope for reducing government expenditures on corrections.

One concrete proposal for cutting expenditures on incarceration would be to reduce the number of non-violent offenders in prison and jail by half (with no change in the incarceration rates for violent offenders). **Table 4** presents the projected budgetary impact of such a proposal, using the estimated distribution of prisoners and estimated costs for incarceration in 2008. The calculations in the table assume no change in the violent-offender population in prisons and jails, and that the reduction in

non-violent-offender inmates would be largely accomplished by moving non-violent offenders to probation (for new offenders and jail inmates) or parole (current prisoners).

On the one hand, these calculations imply a large shift in corrections strategy, including moving about 700,000 current or potential inmates to probation or parole. On the other hand, despite the scale of the reduction in inmates, the overall incarceration rate would only fall from 753 per 100,000 to 521 per 100,000 and would still leave the United States with the highest incarceration rate in the OECD (more than twice the rate of second place Poland) and the fourth highest rate in the world (behind Russia at 629, Rwanda at 593, and Cuba at 531). The new implied rate of 521 per 100,000 would only return the US incarceration rate to roughly where it was in 1993 (528 per 100,000).

**TABLE 4**  
**Estimated Total Budgetary Savings from Reduction by Half in Non-violent Offender Incarceration**

	Total inmates	Change in inmates	Savings per offender	Change in corrections spending	
				Billions of dollars	As percent of corrections budget
<b>Federal</b>					
Violent	16,849	0	0	0	0.0
Non-violent	181,567	-90,783	22,700	-2.1	-30.6
<b>State</b>					
Violent	662,713	0	0	0	0.0
Non-violent	657,432	-328,716	23,200	-7.6	-17.6
<b>Local</b>					
Violent	199,531	0	0	0	0.0
Non-violent	585,239	-292,620	24,700	-7.2	-30.2
<b>Total</b>	<b>2,304,115</b>	<b>-712,119</b>		<b>-16.9</b>	<b>-22.8</b>

Notes: Savings calculated assuming that new and existing non-violent offenders move from prison to parole or from jail to probation; that annual operating costs are \$25,500 per federal prisoner, \$26,000 per state prisoner and per jail inmate, \$2,800 per parolee, and \$1,300 per probationer, based on Public Safety Performance Project (2007, 2009) and authors' estimates. Federal, state, and local corrections budgets from Figure 6. Inmates by most serious offense type from Table 3.

The calculations in Table 4 assume that for each non-violent offender shifted from prison or jail (at an average cost of about \$25,500 to \$26,000 per year) to probation or parole (at average cost of \$1,300 to \$2,800 per year), government corrections systems would save \$23,000 to \$25,000 per inmate per year. Given the mix of prisoners by offense type (see Table 3), a 50 percent reduction in non-violent-offender inmates would save the federal government about \$2.1 billion per year, state governments about \$7.6 billion per year, and local governments about \$7.2 billion per year, even after factoring in additional probation and parole costs. Across all three levels of government, these savings total \$16.9 billion or about 22.8 percent of the total national spending on corrections in 2008.

Previous research by corrections officials, criminologists, and others has suggested several ways to achieve this reduction in the prison and jail population. The first is sentencing reform. Mandatory minimum sentences, three strikes laws, and truth in sentencing laws have contributed substantially to

the growing numbers of nonviolent offenders in prisons and jails.<sup>11</sup> Repealing these laws and reinstating greater judicial discretion would allow non-violent offenders to be sentenced to shorter terms or to serve in community corrections programs (such as parole or probation) in lieu of prison or jail.<sup>12</sup> Furthermore, “earned time” systems could be designed to give offenders incentives to complete education or rehabilitation programs in exchange for shorter time behind bars.<sup>13</sup>

Shifting non-violent offenders from prison and jail to parole and probation will be most beneficial if these community correction systems themselves are reformed. Current probation and parole policies often lack intermediate sanctions for minor violations. In many cases, the only response available for technical and minor probation or parole violations is prison or jail. A system of graduated, intermediate sanctions would give probation and parole officers and the courts authority to impose punishments short of incarceration for minor violations.<sup>14</sup>

Fortunately, policy makers are realizing that there are cost-effective alternatives to the status quo. The Sentencing Project, for example, notes that: “During 2009 state legislatures in at least 19 states enacted policies that hold the potential to reduce prison populations and/or promote more effective approaches to public safety.”<sup>15</sup> At the federal level, Congress is considering legislation that would create a national commission to undertake a comprehensive examination of the criminal justice system in the United States. After an eighteen-month review period, this commission would offer recommendations “for changes in, or continuation of, oversight, policies, practices, and laws designed to prevent, deter, and reduce crime and violence, improve cost-effectiveness, and ensure the interests of justice.”<sup>16</sup>

## Conclusion

The United States has the highest incarceration rate in the world and also the highest rate in its history, with about 753 people per 100,000 in prison or jail in 2008. The number of incarcerated people in the United States has increased by more than 350 percent since 1980, while the overall population has grown by only 33 percent.

A reduction by one-half in the incarceration rate for non-violent offenders (who now make up over 60 percent of the prison and jail population) would lower the overall incarceration rate to the level reached in 1993 (which was already high by historical standards). This would also lower correctional expenditures by \$16.9 billion per year, with the large majority of these savings accruing to state and local governments. These projected savings would amount to almost one-fourth of total corrections budgets. The extensive research on incarceration and crime suggests that these budgetary savings could be achieved without any appreciable deterioration in public safety.

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11 See Austin et al. (2007), Irwin, Schiraldi, and Ziedenberg (1999), and Porter (2010).

12 See Austin et al. (2007), Porter (2010), and Public Safety Performance Project (2008a, 2009).

13 Public Safety Performance Project (2008a, 2008b).

14 See Austin et al. (2007), Porter (2010) and Public Safety Performance Project (2008a, 2008b, 2009).

15 Porter (2010). See also Public Safety Performance Project (2008a, 2008b, 2009, 2010), Western (2008), Kleiman (2009), and Greene and Mauer (2010).

16 Website of Senator Jim Webb (D-VA), <http://webb.senate.gov/newsroom/pressreleases/2010-04-27-03.cfm>.

## Appendix

### International Incarceration Rates

#### Figure 1

All data for incarceration rates comes from the International Centre for Prison Studies (ICPS) at King's College London. Most rates were taken from each respective country's World Prison Brief information at ICPS. The most recent rates for the following countries, however, were taken from an ICPS report entitled World Prison Population, 8<sup>th</sup> Edition: Luxembourg, Canada, Greece, Netherlands, South Korea, France, Italy, and Iceland. Also, all rates are for either 2008 or 2009 with the exception of Luxembourg whose most recent reported rate is for 2007.

#### Table 1

ICPS, World Prison Brief for each country, except for data in the 2008/2009 column, which is the same as the data graphed in Figure 1.

#### Figure 2

All data on incarceration rates were taken from each country's World Prison Brief information at ICPS, with the exception of Russia, whose rate was taken from the ICPS report entitled World Prison Population, 8<sup>th</sup> Edition. Cuba's rate is for 2006, French Guinea, 2007, and all other countries' rates, for either 2008 or 2009.

### Historical Incarceration Rates

Cahalan (1986) provides a wealth of information on corrections, particularly incarceration, in the United States from 1850 to the early 1980s. Though data is provided from U.S. Census Bureau reports on incarcerated individuals in 1850, 1860, and 1870, those reports are not directly comparable to later reports, so we use 1880 as our starting point for the earliest statistics on incarceration rates. See **Appendix Table 1**.

**APPENDIX TABLE 1**  
**Incarcerated Population and Rates, 1880-2008**

	Prison and Jail Inmates	Rate per 100,000
1880	58,609	116.9
1890	82,239	131.5
1904	97,308	118.4
1910	128,314	138.9
1923	120,284	107.4
1933	210,418	167.5
1940	274,821	207.4
1950	264,557	174.8
1960	346,015	193.0
1970	328,020	161.4
1980	503,586	220.4
1990	1,148,702	458.2
2000	1,937,482	682.9
2008	2,304,115	753.5

Source: 1880-1970, Cahalan (1986); 1980-2008, CEPR analysis of BJS data.

## Working-Age Men in Prison or Jail

### 2008

We applied the percentage of 18-64 male prisoners under the jurisdiction of federal and state prisons to the custody figures for prisoners, both from the BJS' "Prisoners in 2008." (See below for more information on custody and jurisdictional data). The comparable report for jails, "Jail Inmates at Midyear 2008 - Statistical Tables," did not provide a similar figure; however, the report did give an estimate of males age 18 and over. We used the percentage of male prisoners age 65 and over (1.06) to derive male jail inmates age 65 and over. Data for males age 18-64 in the U.S. came from the July 1, 2008 Census Bureau estimate<sup>17</sup> increased by the percentage change in the overall population from July 1, 2008 to Jan 1, 2009<sup>18</sup> to estimate males age 18-64 as of Dec. 31, 2008 (the information provided in "Prisoners in 2008" is for Dec. 31, 2008).

### 1980

Prisoner and jail inmates age 18-64 are estimated from the custody totals as provided by the Bureau of Justice Statistics, using the average of the percentages for this group from 1960 and 2008. Data for males age 18-64 in the U.S. came from the April 1, 1980 Census<sup>19</sup> increased by the percentage change in the overall population from April 1, 1980 to Jan. 1, 1981<sup>20</sup> to estimate males age 18-64 as of Dec. 31, 1980.

### 1960

Prisoner and jail inmates age 18-64 are estimated from the (custody) totals provided in "United States Census of the Population, 1960: Inmates of Institutions," Tables 25 and 34.<sup>21</sup> U.S. males age 18-64 are from the April 1, 1960 Census<sup>22</sup> increased by half the percentage change from July 1, 1960 to July 1, 1961.<sup>23</sup>

## Custody vs. Jurisdiction Counts of Inmates

Custody data refer to the "physical location in which an inmate is held regardless of which entity has legal authority over an inmates" while jurisdiction data refer to "the entity having legal authority over a prisoner, regardless of where that prisoner is held."<sup>24</sup> Throughout this report, we have used custody rather than jurisdiction counts of prison inmates. One reason for this is that there is no jurisdiction count for inmates in jails – there is only a custody count (conducted every five to seven years in the Census of Jails, estimated in all other years through the Annual Survey of Jails, at the end of June). This means that the national jail count includes some inmates who are actually under the legal jurisdiction of a state or the federal government but are being temporarily held at a local facility. Combining custody counts from jails with jurisdiction counts from prisons would result in double counting of some inmates. Additionally, while the BJS currently provides information on the number of prisoners held in local facilities, this practice only began in its 2000 report on prisoners (for 1999 data) and so provides only a limited time period which estimates could be derived.

17 <http://www.census.gov/popest/national/asrh/NC-EST2008/NC-EST2008-01.xls>

18 <http://www.census.gov/popest/national/NA-EST2009-01.html>

19 <http://www.census.gov/popest/archives/1980s/stiag480.txt>

20 <http://www.census.gov/popest/archives/1990s/nat-total.txt>

21 [http://www2.census.gov/prod2/decennial/documents/41927948v2p8a-8c\\_ch02.pdf](http://www2.census.gov/prod2/decennial/documents/41927948v2p8a-8c_ch02.pdf)

22 <http://www2.census.gov/prod2/decennial/documents/09768103v1p1ch6.pdf>

23 <http://www.census.gov/popest/archives/1990s/popclockest.txt>

24 Sabol, West, and Cooper (2009), p.13.



Jurisdiction counts for state and federal prisoners were not conducted until 1977,<sup>25</sup> so historical comparisons are best done using custody counts. The semi-annual and annual reports on prisoners by the Bureau of Justice Statistics contain extensive information based on jurisdictional data. Thus, when looking at only prisoners (and not the total incarcerated population) in recent years, these data can be very useful. For instance, the jurisdiction counts in these reports provide a breakdown of those prisoners who are held in custody of private (typically for-profit) facilities (see **Appendix Table 2**). In general, these prisoners are not included in custody counts.<sup>26</sup>

**APPENDIX TABLE 2**  
**Custody and Jurisdiction Counts of Prisoners, 1999-2008**

	Custody		Jurisdiction					
	Total	Total	Federal	State	Held in Private Facilities		Held in Local Facilities	
					Subtotal	% of Total	Subtotal	% of Total
1999	1,287,172	1,363,701	135,246	1,228,455	71,208	5.2	63,635	4.7
2000	1,316,333	1,391,261	145,416	1,245,845	87,369	6.3	63,140	4.5
2001	1,330,007	1,404,032	156,993	1,247,039	91,828	6.5	70,681	5.0
2002	1,367,547	1,440,144	163,528	1,276,616	93,912	6.5	72,550	5.0
2003	1,390,279	1,468,601	173,059	1,295,542	95,707	6.5	73,440	5.0
2004	1,421,345	1,497,100	180,328	1,316,772	98,628	6.6	74,445	5.0
2005	1,448,344	1,527,929	187,618	1,340,311	107,940	7.1	73,164	4.8
2006	1,492,973	1,569,945	193,046	1,376,899	113,697	7.2	77,912	5.0
2007	1,517,867	1,598,245	199,618	1,398,627	123,942	7.8	80,621	5.0
2008	1,518,559	1,610,446	201,280	1,409,166	128,524	8.0	83,093	5.2

Source: Bureau of Justice Statistics

25 Cahalan (1986), p. 35.

26 Sabol, West, and Cooper (2009), p. 9.

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