

In Brief: Examining the Changing Racial Composition of Three States' Prison Populations

The National Research Council's 2014 report, *The Growth of Incarceration in the United States: Exploring the Causes and Consequences*, highlighted how the increase in the incarceration rate over the last four decades has disproportionately affected people of color.¹ The number of people in prison increased from approximately 196,000 in 1970 to more than 1.5 million in 2011.² Blacks and Hispanics accounted for about 78,000 people in prison in 1970 and increased to more than 930,000 in 2011.³ In 2011, 6 out of 10 people in U.S. prisons were black or Hispanic, compared to 3 out of 10 people in the U.S. general population.⁴

A growing number of elected officials across the political spectrum are calling attention to this trend. "Three out of four people in prison right now for non-violent crimes are black or brown. Our prisons are bursting with young men of color and our communities are full of broken families," U.S. Senator Rand Paul (R-KY) said in a July 2014 speech to the Urban League in Cincinnati.⁵

As prison populations have begun to decline—significantly in some states—policymakers and others are asking what impact, if any, this trend is having on the racial composition of the prison population. In his remarks to a national conference of criminal defense attorneys this past August, U.S. Attorney General Eric Holder said, "At the state level, data-driven reforms are resulting in reduced prison populations—and importantly, those reductions are disproportionately impacting men of color. We should celebrate this milestone—a turning point."⁶

This brief focuses on three states where bipartisan groups of state leaders enacted major criminal justice reforms and subsequently saw the number of people incarcerated markedly decline in their states. In each of these cases, closer inspection of the data shows that these states experienced considerable reductions in the overall number of people being admitted to prison, and that the decline in admissions has been steepest for blacks and Hispanics.

Prison Population, Admissions, and Releases

An increase or a reduction in the number of people in prison results from a change in one of two factors: (1) how many people are admitted to prison; or (2) how long people stay in prison once admitted. Over the past several years, the average length of stay for people incarcerated in prison has increased considerably; according to a 2012 study by The Pew Charitable Trusts, people released from prison in 2009 had served 36 percent more time than those released in 1990.⁷ This increase is the result of a combination of factors, including sentencing laws that allow or require longer prison terms for certain types of offenses and longer percentages of sentences that must be served behind bars; prosecutorial and judicial discretion related to how defendants are charged and how their sentences are disposed; and a decline in the rate that parole is granted by many state parole boards.

For these reasons, the number of people leaving prison may decline, and states that have sentenced fewer people to prison have not necessarily seen a reduction in the overall prison population. As Dr. Tony Fabelo, Director of Research for the Council of State Governments Justice Center, has analogized: "Even if the water coming out of the bathtub faucet slows, the water level will still rise if the bathtub is not draining at an equal or faster rate." So as sentence lengths have increased and release rates have decreased, even a significant decline in prison admissions is unlikely to cause a state to experience the drop in its prison population it might otherwise expect. That said, declines in prison admissions play an important role in slowing growth in prison populations and, as considered here, provide important indicators of larger changes taking place in the criminal justice system.

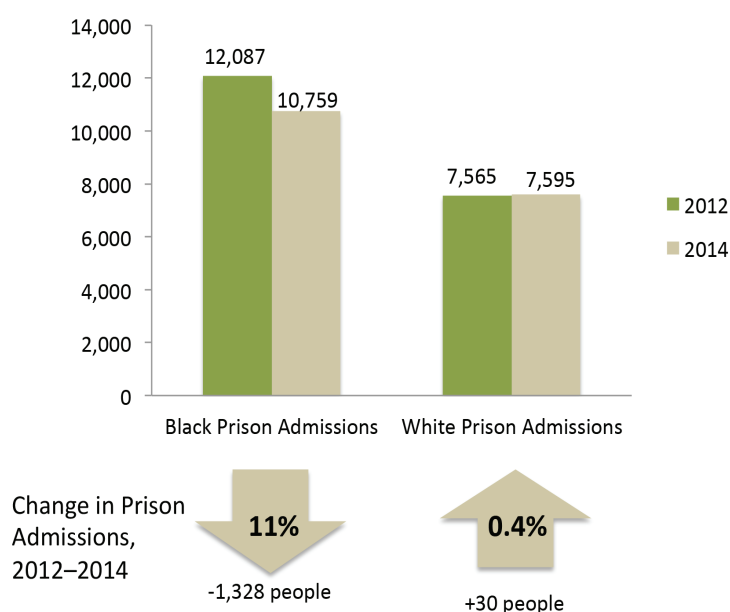
Georgia

In May 2012, Georgia enacted sweeping criminal justice legislation that aimed to address growth in Georgia's prison population, contain corrections costs, and reduce recidivism. The law focused prison space on individuals who commit serious offenses, modified penalties for certain offenses, enabled probation officers to impose graduated sanctions, and required the Department of Corrections to collect, analyze, and report on performance outcomes. The state also invested in mental health and accountability courts, residential substance use treatment, and a risk assessment tool.

Between December 2012 and December 2014, the number of admissions to Georgia prisons fell 8 percent. But it's important to disaggregate that number further: whereas prison admissions among whites remained unchanged, admissions were down 11 percent for blacks.⁸ (See Figure 1)

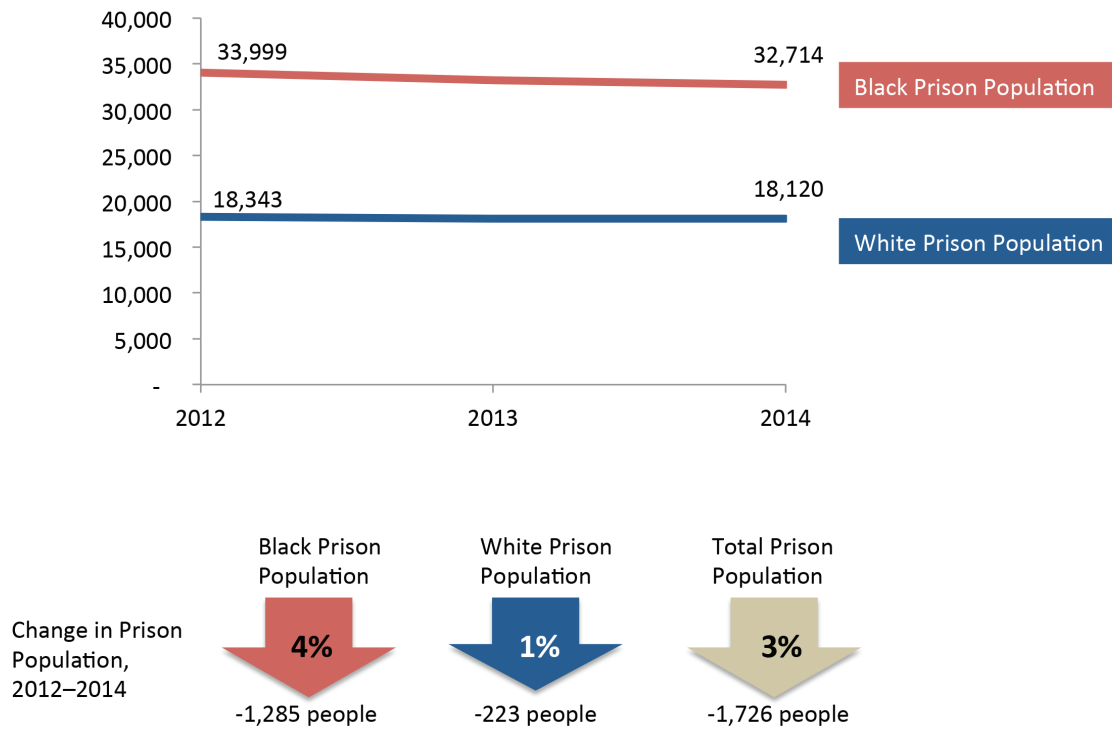
"We are saving millions of dollars, and we're also saving lives," said Governor Nathan Deal. "We've seen our African American population [committed to] our prison system drop by about 20 percent. We're going to break the cycle of crime by educating those who have no skills, so that when they get out, they will not commit crimes again."⁹

FIGURE 1. GEORGIA PRISON ADMISSIONS, 2012 AND 2014



The notable decline in prison admissions among blacks in Georgia hasn't had as significant an impact on the prison population as might be expected, in part due to the fact that so many in the state's prisons are serving long sentences.¹⁰ Between 2012 and 2014, the number of blacks in prison fell 4 percent (1,285 people), while the number of whites fell by almost 1 percent (223 people). (See Figure 2) And there continues to be racial disproportionality in the state's prison population, with blacks currently representing 31 percent of the state's resident population, but 61 percent of its prison population.¹¹

FIGURE 2. GEORGIA PRISON POPULATION, 2012–2014



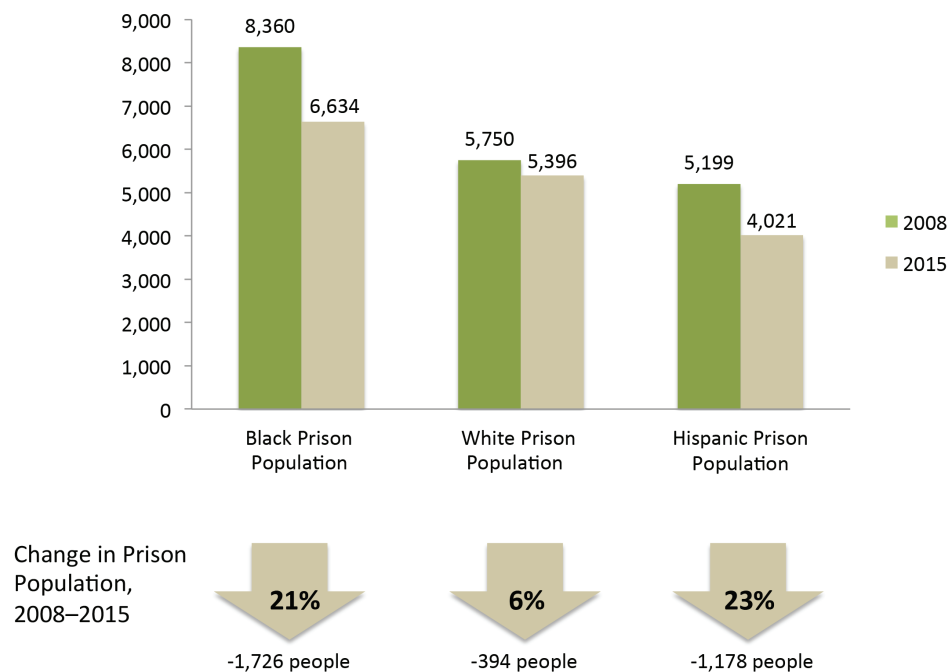
Connecticut

Connecticut policymakers instituted major policy changes in 2004 and 2008 that were designed to address prison overcrowding and promote successful reentry for people returning to the community after incarceration. Among the provisions of the 2004 legislation were the requirement to hold timely parole hearings and the creation of graduated sanctions to respond effectively when people on probation and parole violate the conditions of their supervision. From 2004 to 2006, the prison population declined more than 3 percent, from 18,523 to 17,928.¹²

Shortly after the 2007 murder of a family in Cheshire, Connecticut by two men who had been released from prison on parole, the state instituted a moratorium on parole releases. By February 2008, the prison population had climbed to 19,894 and Connecticut enacted policy reforms focused on keeping people convicted of the most serious offenses in prison while investing in reentry services for individuals transitioning from incarceration to the community.¹³ The state improved its risk assessment process, expanded electronic monitoring, and established a diversion program for individuals with mental disorders.¹⁴ Since 2010, the state has implemented additional policies that decriminalized possession of small amounts of marijuana, raised the age of youth considered juveniles within the criminal justice system, instituted a program that creates incentives for people in prison who participate in programs that can reduce their risk of reoffending, and adopted a new risk assessment tool to inform parole release decisions.

The number of people in prison in Connecticut declined almost 17 percent between January 2008 and January 2015. As of March 2015, there were approximately 16,100 people in Connecticut prisons. The rate of reduction, however, differed across racial groups: whereas the number of whites in the prison population dropped 6 percent during this period, the reduction among blacks and Hispanics, which dropped about 21 percent and 23 percent respectively, was more than three times as steep and served to reduce the long-standing racial disproportion in the state's prisons. (See Figure 3)¹⁵ During much of the same period, the state also saw its index crime rate drop 20 percent, from 2,798 reported crimes per 100,000 residents in 2008 to 2,237 in 2013.¹⁶

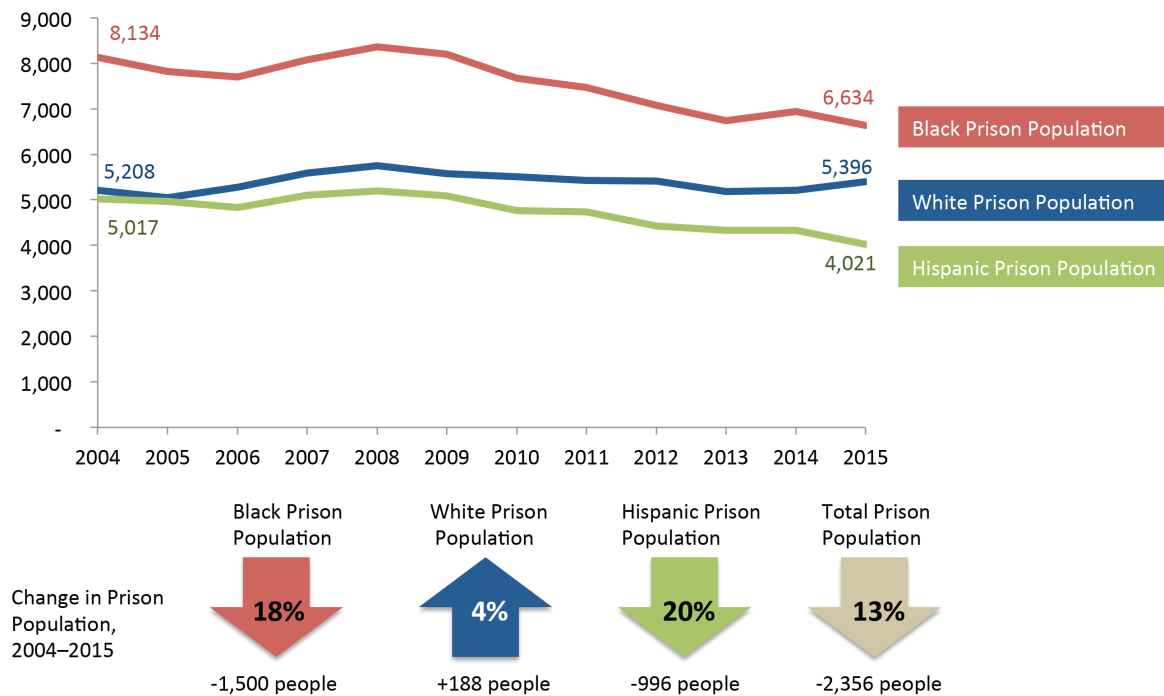
FIGURE 3. CONNECTICUT PRISON POPULATION, 2008 AND 2015



“We want the criminal justice system to focus on violent crimes, crimes involving domestic violence, urban gun violence, sexual assault—violent, predatory crimes,” said Michael P. Lawlor, who heads the state’s Criminal Justice Policy and Planning Division. “It’s really a thousand small things acting together that are starting to result in a drop in prison numbers, the crime rate, and racial disparity in prisons.”¹⁷

Despite the significant decline in the state’s prison population across all races (See Figure 4), there are still twice as many blacks and Hispanics as whites in Connecticut prisons, even though whites outnumber blacks and Hispanics by an almost 3-to-1 ratio in the state’s general population.¹⁸

FIGURE 4. CONNECTICUT PRISON POPULATION, 2004–2015

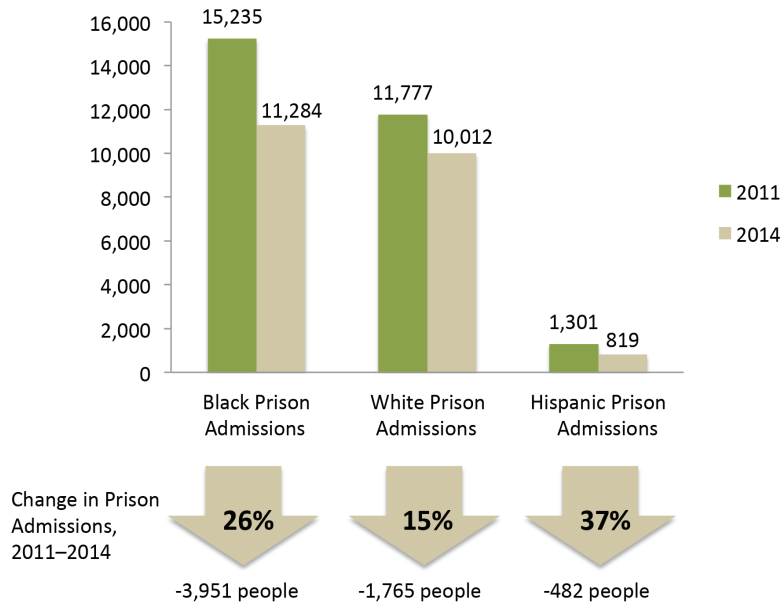


North Carolina¹⁹

In June 2011, with broad, bipartisan support, North Carolina legislators passed comprehensive legislation that established incentives for people sentenced to prison to participate in programs that would help to reduce their likelihood of reoffending. The legislation also changed how people were supervised on probation and upon release from prison, increased access to treatment for people on supervision with substance use problems, and expanded probation and parole officers' abilities to respond to violations of supervision.

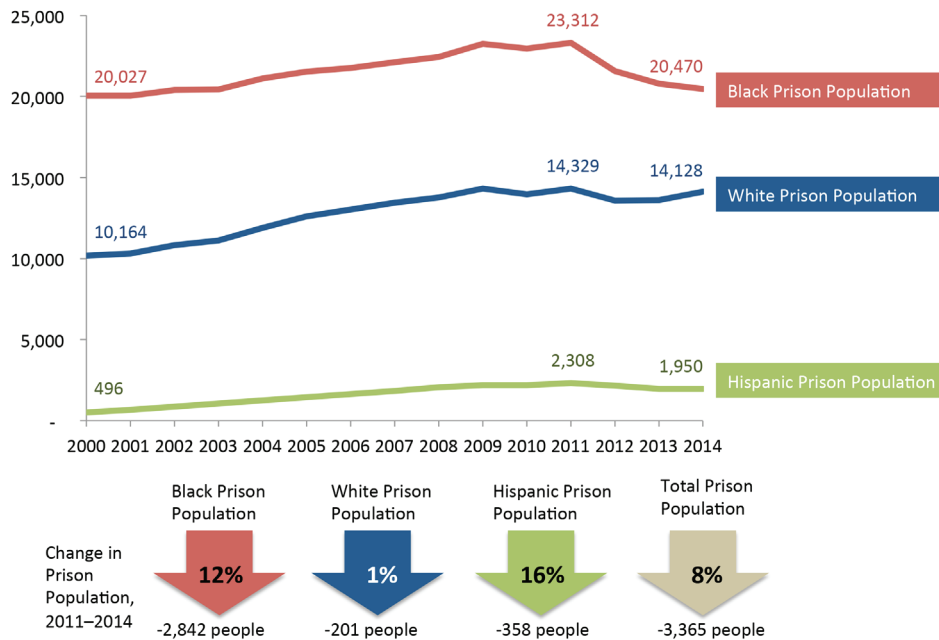
Between 2011 and 2014, total admissions to prison in North Carolina dropped considerably, from 28,975 to 22,759, a 21-percent decline. As was the case in Georgia, the drop in admissions was especially pronounced for blacks and Hispanics: the number of blacks entering North Carolina's prisons declined almost 26 percent and the number of Hispanics dropped 37 percent, while the number of admissions for whites declined by 15 percent. (See Figure 5)

FIGURE 5. NORTH CAROLINA PRISON ADMISSIONS, 2011 AND 2014



As the number of people admitted to prison has declined, the overall prison population has contracted, from just over 41,000 in June 2011 to 37,665 in June 2014. The number of blacks and Hispanics in prison fell 12 percent and 16 percent respectively, while the number of whites fell a little more than 1 percent. (See Figure 6) In addition to the three-year decline in the prison population, the state's index crime rate fell 10 percent between 2011 and 2013.²⁰

FIGURE 6. NORTH CAROLINA PRISON POPULATION, 2011–2014



Racial disproportionality is clearly on the decline in North Carolina's prison admissions; in 2000, blacks accounted for 61 percent of prison admissions, but by 2014, admissions to prison for blacks had fallen to just below 50 percent. By 2014, blacks also made up a smaller proportion of the prison population (54 percent) than they did in 2000 (63 percent). (See Figure 7) Despite these changes, blacks continue to be overrepresented in the state's prisons when compared to the state's general population in 2013, of which just 22 percent are black.²¹

FIGURE 7. PERCENT OF TOTAL NORTH CAROLINA PRISON POPULATION; 2000, 2011, AND 2014

	2000	2011	2014
White	32%	35%	38%
Black	63%	57%	54%
Hispanic	2%	6%	5%

Looking Ahead

Georgia, North Carolina, and Connecticut have deservedly received acclaim and widespread media coverage for the bipartisan policy reforms they have enacted, the notable reductions in their prison populations that followed, and concurrent declines in crime rates in these states.

Receiving less attention, however, is how the changes in the prison population have been especially pronounced among nonwhite populations. None of the data highlighted above prove that the policy shifts in these states are directly responsible for these developments. But at a minimum, they show the value of looking at recent changes in the racial composition of prison populations in states across the United States. These trends should also prompt further research to answer the following important questions: Did these states' policy reforms contribute to the decline in admissions of black and Hispanic adults who, prior to the changes in policy, would have otherwise been incarcerated? To what extent have particular changes to sentencing policy, responses to violations of conditions of release, and investments in community-based treatment especially affected nonwhite adults? Are the risk assessments increasingly used by states across the country contributing to the decline in prison admissions, either through increased diversions to community-based alternatives to incarceration or targeted supervision practices that reduce revocations?

Answers to these questions can help states better understand the factors that may influence the racial composition of their prison populations, while policymakers, advocates, and others who are focusing on racial disproportionality in state correctional systems can use this data to probe the issue in more depth and to broaden the national discussion.

Endnotes

¹ National Research Council, *The Growth of Incarceration in the United States: Exploring the Causes and Consequences*. (Washington, DC: The National Academies Press, 2014) <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=18613>.

² U.S. Department of Justice, *Historical Corrections Statistics in the United States, 1850–1984*, NCJ 102529 (Rockville: U.S. Department of Justice, 1986) <http://www.bjs.gov/content/pub/pdf/hcsus5084.pdf>; U.S. Department of Justice, Bureau of Justice Statistics, *Prisoners in 2011*, NCJ 239808 (Washington, DC: Bureau of Justice Statistics, 2012).

³ *Ibid.*

⁴ U.S. Department of Justice, Bureau of Justice Statistics, *Prisoners in 2011*; U.S. Census Bureau Annual Estimates of the Resident Population by Sex, Race, and Hispanic Origin for the United States: April 1, 2010 to July 1, 2011.

⁵ Speech to the National Urban League in Cincinnati, July 25, 2014. <http://www.cincinnati.com/story/opinion/contributors/2014/07/25/rand-paul-must-fight-justice/13161325/>.

⁶ U.S. Attorney General Eric Holder, speaking at the National Association of Criminal Defense Lawyers' 57th Annual Meeting and 13th State Criminal Justice Network Conference in Philadelphia on Friday, August 1, 2014.

⁷ Pew Center on the States, *Time Served: The High Cost, Low Return of Longer Prison Terms*. (Washington, DC: The Pew Charitable Trusts, 2012).

⁸ The decline in the rate of admissions that began in 2012 was preceded by relatively constant rate of admissions between 2009 and 2011. Georgia Department of Corrections (DOC) admissions data 2009–2013. Received November 12, 2014. Georgia DOC, *Profiles of All Inmates During 2014*. (Atlanta: Georgia DOC, 2015) and email correspondence with Judge Mike Boggs, March 13, 2015.

⁹ Greg Bluestein, Daniel Malloy, Jim Galloway, “Only One-Third of 183,416 New Voters Describe Themselves as White,” *The Atlanta Journal-Constitution Blog*, October 21, 2014. <http://politics.blog.ajc.com/2014/10/21/only-one-third-of-183416-new-voters-describe-themselves-as-white/>. Governor Deal's reference to the 20 percent drop in African Americans in prison refers to the 20 percent drop in prison commitments for African Americans previously reported by *The Atlanta Journal-Constitution* and the Georgia DOC.

¹⁰ Bill Rankin and Aaron Gould Sheinin, “Fewer black Georgians sent to prison,” *The Atlanta Journal-Constitution*, August 2, 2014.

¹¹ U.S. Census Bureau: State and County QuickFacts, Accessed December 12, 2014 <http://quickfacts.census.gov/qfd/states/00000.html>; Georgia Department of Corrections prison population data.

¹² Connecticut Department of Correction, *Population Statistics 2004–2006*, accessed November 5, 2014, <http://www.ct.gov/doc/cwp/view.asp?a=1492&Q=270036&docNav=1>.

¹³ Connecticut Department of Correction, *Population Statistics 2008*; Grace Merritt, “Connecticut begins to close wide racial and ethnic gaps in prison population,” *CT Mirror*, October 1, 2013

¹⁴ Office of Policy and Management, *Progress Report: Implementation of 2008 Criminal Justice Reforms*, (Hartford, CT: Criminal Justice Policy and Planning Division, 2010).

¹⁵ Connecticut Department of Correction, *Population Statistics 2008–2015*.

¹⁶ U.S. Department of Justice and Federal Bureau of Investigation, *Crime in the United States 2008 and 2013*, (Washington, DC: FBI, 2009 and 2014). Crime data for 2013 is the most recent available.

¹⁷ Merritt, “Connecticut Begins to Close Wide Racial and Ethnic Gaps in Prison Population.”

¹⁸ Connecticut Department of Correction, *Population Statistics 2015*, accessed March 6, 2015, <http://www.ct.gov/doc/cwp/view.asp?a=1492&Q=270036&docNav=1>; U.S. Census Bureau: State and County QuickFacts.

¹⁹ All North Carolina figures were acquired through the North Carolina Department of Public Safety Research and Planning Automated System Query, accessed on August 24, 2014, <http://webapps6.doc.state.nc.us/apps/asqExt/ASQ>.

²⁰ U.S. Department of Justice and Federal Bureau of Investigation, *Crime in the United States 2011–2013*, (Washington, DC: FBI, 2012–2014).

²¹ U.S. Census Bureau: State and County QuickFacts.

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