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Report Finds Slight Growth in Population of Inmates

By ERIK ECKHOLM SEPT. 16, 2014

Breaking three consecutive years of decline, the number of people in state and federal prisons climbed slightly in 2013, according to a report released Tuesday, a sign that deeper changes in sentencing practices will be necessary if the country's enormous prison population is to be significantly reduced.

The report by the Justice Department put the prison population last year at 1,574,741, an increase of about 4,300 over the previous year, but below its high of 1,615,487 in 2009. In what criminologists called an encouraging sign, the number of federal prisoners showed a modest drop for the first time in years.

But the federal decline was more than offset by a jump in the number of inmates at state prisons. The report, some experts said, suggested that policy changes adopted by many states, such as giving second chances to probationers and helping nonviolent drug offenders avoid prison, were limited in their reach.

"The existing reforms can only take us so far," said Steven Raphael, an expert in criminal justice at the University of California, Berkeley.

Dr. Raphael said the decline in the state prison population in previous years had been driven largely by a steep drop in California, which, under court mandates to reduce overcrowding, sent more nonviolent offenders to community programs or jails and slowed the reimprisonment of parole violators. After initial declines, however, California's prison population has leveled out.

Across the country, drug courts' sending addicts to treatment programs rather than jail has proved valuable but been directed mainly at offenders who would not have served much prison time anyway, said Marc Mauer, executive director of the Sentencing Project, a private group in Washington.

At the same time, Mr. Mauer said, more life sentences and other multidecade terms have been imposed than ever, offsetting modest gains in the treatment of low-level offenders.

“Just to halt the year-after-year increase in prisoners since the 1970s was an achievement,” said Richard Rosenfeld, a criminologist at the University of Missouri-St. Louis, and that shift came about because of changes in state policies and a drop in crime.

But experts say it will take more far-reaching and politically contentious measures to markedly reduce the country’s rate of incarceration, which is far above that in European nations and has imposed especially great burdens on African-Americans.

Mandatory sentences and so-called truth-in-sentencing laws that limit parole have not only put more convicts in costly prison cells for longer stretches but have also reduced the discretion of officials to release them on parole.

Given the evidence that few people are involved in criminal activity beyond their mid-30s, some experts are also asking whether it makes sense to keep aging inmates behind bars rather than under community supervision.

The size of the federal prison population is closely tied to federal drug laws and penalties. A majority of the 215,866 offenders in federal prisons in 2013 were there on drug charges, often serving lengthy sentences under get-tough policies that have increasingly come under question.

Recent changes in federal drug enforcement — a 2010 law to reduce disparities in sentences for crimes involving crack as opposed to powdered cocaine, and a directive from Attorney General Eric H. Holder Jr. calling for less stringent charges against nonviolent offenders — are too new to have had a large impact in 2013.

The drop by 2,000 in federal prisoners last year may, however, reflect other changes in responses to drug offenders, Dr. Rosenfeld said. Just as many local police forces have eased up on arrests and prosecutions for marijuana possession, he said, prosecutors may have become less likely to bring federal indictments for less serious marijuana-related crimes.

The Smarter Sentencing Act, which is now before Congress and has won bipartisan support, would cut some of the federal government’s mandatory drug

sentences by half, make the reduced penalties for crack-cocaine violations retroactive and give judges more discretion over sentencing.

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