

A Study of State Prison Population Growth Factors: 1) Prison Capacity Increases

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Prison Capacity

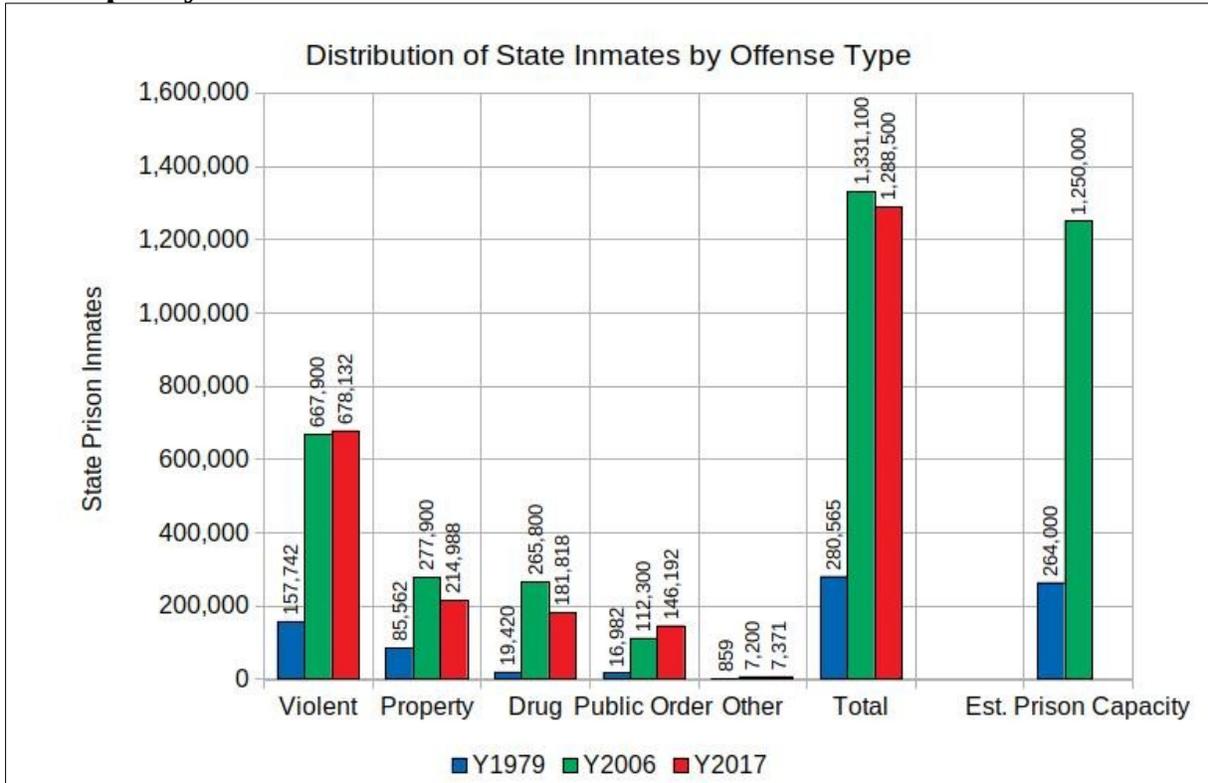


Figure 1: Combined state prison populations by offense type and estimated prison capacity. The data use to prepare the chart were taken from Bureau of Justice Statistics (BJS) reports on Prisoners in 1979, 2006 and 2017. The early BJS reports did not always give the distribution of offense types so the years shown in the figure were determined by what they published.

What Caused Mass Incarceration?

- A simple short answer is “The war against drugs and tough on crime legislation”. That answer is a half truth because it omits many other important factors.
- Important factors that are often omitted are that to enable the growth in state prison population the states had to increase capacity and provide the staff and funds to operate the larger prisons.
- There are other important factors that are not included in this report.

It is true that there are more drug offenders in prison than there were in the past but figure 1 shows that is also true for the other offense types. The details are given in table 1. The columns are the offense type, ratio of inmates in 2006 to those in 1979 and the percentage of the increase between 1979 and 2006. Although drug offenses had the highest ratio and violent offenses the lowest almost half of the growth was for violent offenses with drugs and property accounting for 41% and public order offenses and other offenses the remaining 10%.

Table 1: Comparison of Offense Types for Years 1979 and 2006

Offense Type	2006/1979 Ratio	Percent of Growth
Drug	13.3	23%
Property	3.2	18%
Public Order	6.6	9%
Other	8.4	1%
Violent	4.2	49%
Total	4.7	100%

Increases in Prison Capacity.

It is obvious that one cannot cram 1,331,100 prison inmates into a set of prisons with a total capacity of 264,000. The states had to borrow large amounts of money or obtain federal grant funds to enable the estimated growth of 964,000 prison beds.

In a recent report for the Council on Criminal Justice by W. Sabol and T. Johnson

[https://cdn.ymaws.com/counciloncj.org/resource/resmgr/crime_bill/part one - prison population.pdf](https://cdn.ymaws.com/counciloncj.org/resource/resmgr/crime_bill/part_one_-_prison_population.pdf)

included a section on *Federal Incentives for Prison Expansion* and they estimated that the \$3 billion in federal appropriations for state prison expansion resulted the addition of 50,000 state prison beds. In other words they assumed an average construction cost of \$60,000 per prison bed.

Cost figures in this report are all estimates rounded to the nearest \$1000. The state of Connecticut did a comparison of prison construction costs and they found there were large differences between states in what they paid for new prisons. That means to obtain accurate cost data you have to do so state by state. I have adopted the estimate by W. Sabol and T. Johnson for this review. They also discussed the requirements for a state to obtain a grant and briefly that involved increasing the length of confinement needed to become eligible for parole to 85% of the maximum sentence.

The cost of providing the additional capacity was about \$59 billion assuming an average cost per prison bed of \$60,000. Federal grant funds of \$3 billion paid for about 50,000 beds (5.2%) and the states paid \$56 billion for about 936,000 beds (94.8%). Assuming \$30,000 for the 2019 annual per inmate incarceration cost and the Bureau of Labor Statistics inflation calculator the corresponding per inmate costs rounded to the nearest \$1,000 were \$8,000 in 1979, \$24,000 in 2006 and \$29,000 in 2017. The estimated combined state incarceration costs were then \$2.2 billion in 1979, \$32.0 billion in 2006 and \$37.4 billion in 2017. It does not take many years for the cumulative sum of operating costs to exceed construction costs.

The Iowa Experience

Iowa was one of the 31 states that obtained federal grants for prison construction. The growth in the Iowa prison population shown in figure 2 by blue filled circles. The green solid line is a five year moving average of the prison population. The average departures from the smoothed line are $\pm 1.8\%$ because the majority of admissions are controlled by county courts and the central control of release rates is limited so the year to year fluctuations can be quite large.

Prison capacity is a very controversial subject and there is no agreement about how it should be determined. Iowa decided to use the design capacity as the published capacity of the prison system and the black stepped line in figure 2 shows how the capacity changed. Authorities in other states may use another method to determine the published capacity for their prison systems.

About 1980 Iowa legislators became concerned about the growth in the prison population. Some members wanted to increase the prison capacity and others wanted to cap the population. They did both. From 1981 to 1987 there was a legislative cap on the prison population but in 1985 the capacity was increased. After the cap was lifted in 1987 there were further capacity increases.

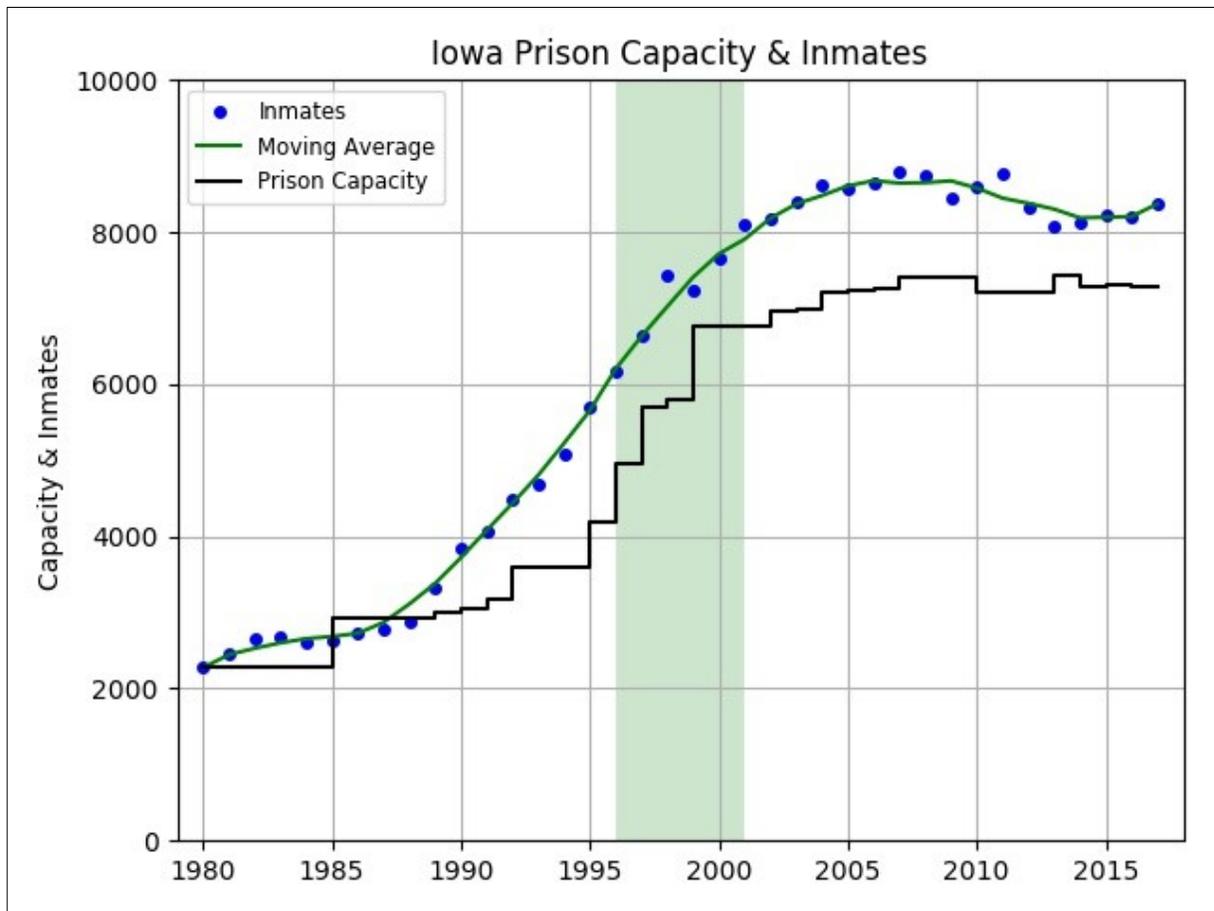


Figure 2: Iowa prison population and design capacity from 1980 to 2017. The solid green line is a five year moving average of the prison population. The green shaded area was when Iowa received federal funds to pay for part of the prison capacity increases.

The legislative cap was never exceeded and the legislative remedies were never used. The growth was slowed but not stopped by population control measures under central control that emerged. If there was an attempt to limit admissions from the counties it was unsuccessful. Unfortunately the central control measures caused serious problems for the prisons and community supervision and the cap was lifted in 1987. The rapid growth in prison capacity started in 1989 and lasted until 1999.

Between 1980 and 2001 the Iowa prison capacity increased by 4,486 beds, 1,915 beds (42.7%) of the increase was from 1980 to 1996 before the first grant of federal funds. From 1996 to 2001 the increase was 2,571 (57.3%). During the 1996 to 2001 interval Iowa received \$22.9 million in federal grants to

increase prison capacity. At \$60,000 per bed this accounted for 382 of the 2,571 bed increase 14.9% of the 1996 to 2001 increase and 8.5% of the total increase from 1980 to 20001.

To qualify for the federal grants Iowa had to change the eligibility for parole of violent offenders serving mandatory minimum sentences. The eligibility for parole for a ten year sentence was increased from 5 to 8.5 years resulting in an increase in incarceration costs of \$94,500 per inmate using an incarceration cost of \$27,000 per year. For a 25 year sentence the increase was from 12.5 years to 21.25 years or \$236,250 per inmate. It does not take very many inmates serving mandatory minimum sentences for violent crimes to offset the financial gain of obtaining the grants.

Summary

1. The ratios of state prison inmates by offense type between 1979 and 2006 all increased. The drug offense type had the largest ratio and the violent offense type the smallest.
2. Of the growth in state prison population between 1979 and 2006 the violent offense type accounted for 49% and drug offenses 23% of the growth.
3. Sabol and Johnson have estimated the 95% of the cost of increasing state prison capacity was paid for by the states and 5% by federal grant funds.
4. In this study the federal grants Iowa received for prison construction paid for about 8.5% of the total construction costs.
5. It appears that all of the additional costs of operating the enlarged state prison systems were paid by the states.