

The 1991 NCCD Prison Population Forecast:

The Impact of Declining Drug Arrests

By James Austin, Ph.D., Michael A. Jones, Aaron David McVey

HIGHLIGHTS

Prison populations will increase by 35 percent over the next five years under current criminal justice policies. This rate of growth is significantly lower than NCCD's 1989 estimates (60 percent increase over five years).

The principal reason for the lower growth rate is a 20 percent reduction in drug arrests, which in turn is reducing projected jail and prison admissions.

The declining number of drug arrests are related to:

- the fiscal crises of state and local governments,
- drug asset and seizure laws, and
- lower drug use.

Prison populations will continue to grow despite reductions in admissions due to the passage of mandatory minimum sentencing statutes and lengthier prison terms for certain crimes.

Although national estimates on jail populations cannot be made at this time, it is likely that jail populations will grow even less than prison populations. Many major jail populations have actually declined or stabilized during the past year.

Parole populations will grow at a rate similar to prison populations. However, in some states, parole populations will increase rapidly due to early release mechanisms.

Based on the experiences of these states, the nation's state and federal inmate population will reach 1 million prisoners by 1994.

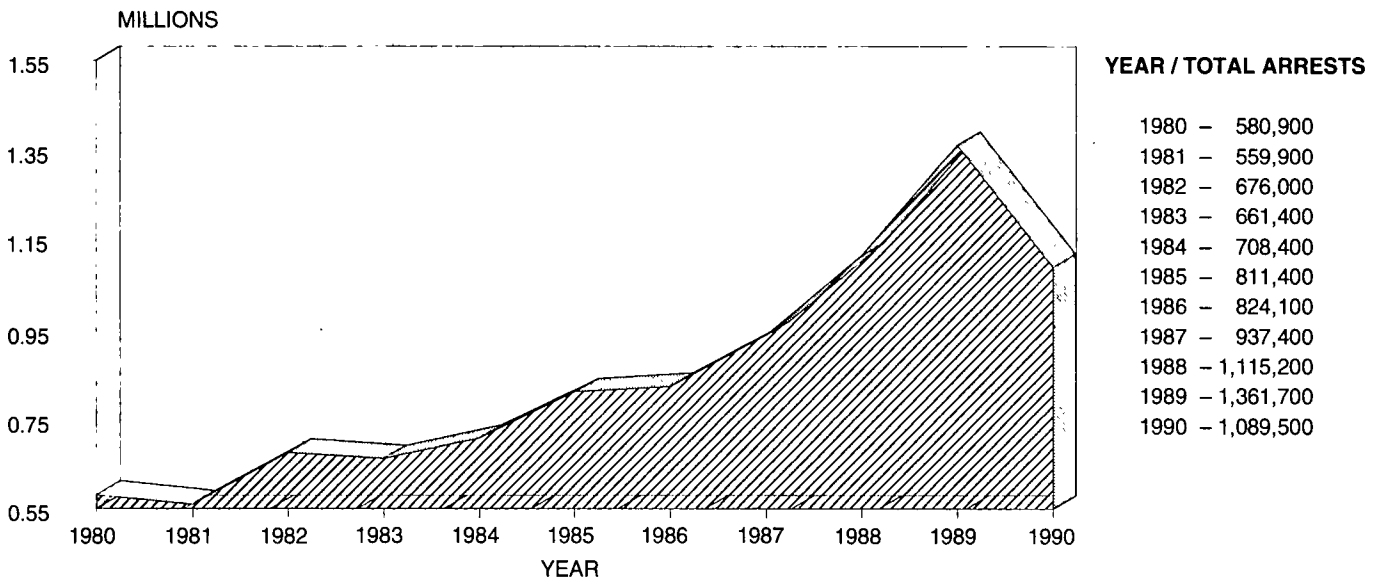
INTRODUCTION

The last NCCD FOCUS devoted to the topic of prison population growth addressed the impact of the "war on drugs." At that time, the nation was experiencing significant increases in the number of drug arrests and convictions which in turn were dramatically increasing the volume of offenders sentenced to prison and other forms of correctional supervision (jail and probation).¹ Also, at that time, it was projected that if those trends were to continue, the nation's prison population would grow by nearly 60 percent over the next five years, based upon the experiences of those states utilizing the NCCD projection methods.

Since that publication was issued in 1989, there have been dramatic changes in the drug war which are having important consequences on jail and prison populations. This FOCUS issue analyzes these trends and projects their impact on prison, parole and jail population growth.

As with the previous NCCD prison population projections, this analysis is largely based on those states that employ NCCD's forecast methodology. By 1991, 15 states were actively using NCCD's methods. This FOCUS will also include offender projections for Texas, prepared by the Texas Criminal Justice Policy Council, which utilizes a simulation technology similar to NCCD's methods. In 1990, these 16 states held approximately 395,000 inmates representing 51 percent

**FIGURE 1
NATIONAL ESTIMATES OF DRUG ARRESTS**



Source: Crime in the United States (Federal Bureau of Investigation. Government Printing Office, Washington, D.C.)

of the nation's 771,242 state and federal prison population.

DECLINING DRUG ARRESTS

Since 1980, there has been a steady decline in the use of the major illegal drugs (marijuana, cocaine and heroin). The reasons for these declines is a topic hotly debated by criminologists and policy-makers. There is little doubt that the aggressive public education campaign aimed at discouraging recreational drug use has had an important impact. Others believe that the growing application of increasingly severe criminal justice sanctions and stepped up interdiction efforts have deterred many potential users and incapacitated repeat drug offenders.

Whatever the reasons, the decline has been real and substantial. The major issue that remains unresolved is whether there has been a reduction in the hard core drug abusing population. The same national household surveys that show declines in general population drug use also show

little change in the regular drug using population. And there are some initial signs that this population may be moving away from cocaine and its infamous derivative "crack" to heroin, LSD, and new forms of amphetamines (Ice).

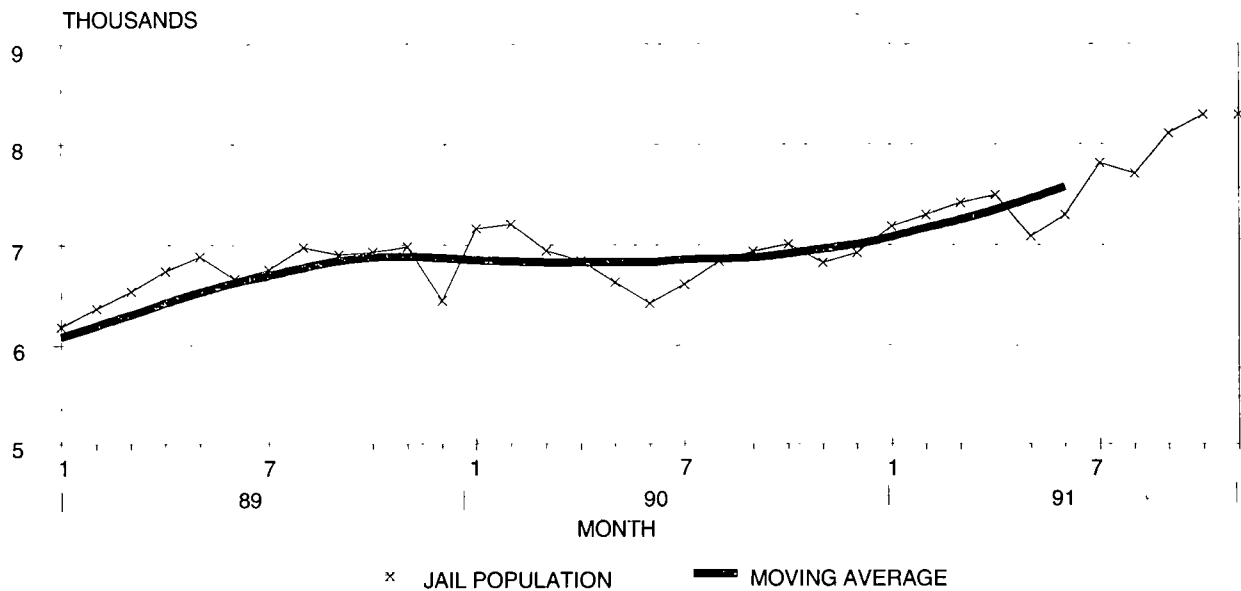
In addition to declining illicit drug use, there has been an associated decline in overall arrests and, in particular, drug arrests. Figure 1 shows that after a steady increase in drug arrests since 1981, there was an unexpected 20 percent decline in such arrests in 1990 (a decline of 272,200 arrests). There appears to be two additional basic explanations for declining drug arrests:

1. **Fiscal Crisis of Local Governments:** During the past five years, law enforcement agencies made a concerted effort to increase their deployment of personnel in the drug area. This resulted in additional police officers being assigned to narcotic divisions and/or the widespread use of large scale

police "sweeps" of specific neighborhoods where drug use and drug dealing, and gang activities were known to be occurring. These police tactics were expensive as they required overtime compensation for officers involved in these activities. As the fiscal crisis of local and state governments began to accelerate, there were associated pressures to reduce these efforts, especially in the large metropolitan areas. It should also be noted that government officials began to understand that local jail crowding, which was being driven largely by massive increases in drug arrests, could be better managed and controlled under a more selective drug arrest policy within its own law enforcement agencies.

2. **Increased Application of Drug Asset and Seizure Laws:** Related to local economic pressures was the increased use of asset and sei-

FIGURE 2
COOK COUNTY (CHICAGO) TOTAL JAIL POPULATION
JANUARY 1989 TO NOVEMBER 1991



zure laws that allow law enforcement agencies to keep the assets of arrested drug offenders. These laws provide a direct incentive for law enforcement agencies to be very selective in whom they target for arrest. Specifically, they are encouraged to go after drug users and dealers with cars, houses, boats and large amounts of cash rather than the petty drug users and dealers living in impoverished inner city areas.

IMPACT OF DECLINING DRUG ARRESTS ON PRISON ADMISSIONS

The above noted reductions in drug arrests are now having a major impact on jail and prison populations. Local jails, which are the direct recipients of arrested persons, are the first to feel the effects of changes in police practices. Consequently, many of the nation's major jail systems are reporting no significant

growth in their inmate populations after several years of growth. For example, New York, Philadelphia, Los Angeles and Seattle have all reported unexpected declines or stabilized jail populations during the past 18 months.

A noteworthy exception to this trend is Cook County (Chicago). Like other major jail systems, Cook County's jail population was relatively stable from January 1, 1989 until July 1, 1991. Then, in partial response to growing evidence of crack use and gang violence, the number of bookings began to increase sharply as police began to focus on drug and gang activities. Consequently, jail bookings and the population began to grow rapidly (see Figure 2). Such trends may surface in other jurisdictions should law enforcement begin once again to intensify their efforts to apprehend drug users. The experience of Cook County illustrates the tenuous nature of these trends and the influence of law enforcement policies on jail populations.

As drug arrests have declined, there has been an associated effect on persons sentenced to prison (new court commitments). Table 1 shows that between Fiscal Years (FY) 1988 and 1990, new court commitments grew by 37.7 percent, or at an annual rate of 18.8 percent. However, in FY 1991 new court commitments for these 16 states grew on average by less than 3 percent, and seven states actually reported declines in new court admissions. Most notably in Florida where annual new court commitments had grown from 29,760 to 42,976 between 1988 and 1990, intakes declined by nearly 7,000 prisoners (16.3 percent) in FY 1991.

Table 2 shows only the number of persons sentenced to prison for drug crimes in 14 of the 16 states for the same time period. Whereas drug commitments grew by 95.5 percent between FY 1988 and 1990, they declined by nearly 10.2 percent in FY 1991. States reporting the largest declines were Kansas (15 percent), Oklahoma (15.8 percent), Florida (24.6 percent) and

**TABLE 1
NEW COURT COMMITMENTS TO PRISONS
FY 1988-1991**

State	1988	1989	1990	1991	Annualized % Change 1988-1990	% Change 1990-1991
Arkansas	2,385	2,611	2,668	3,132	5.9	17.4
California	29,500	34,226	39,272	41,282	16.6	4.7
Florida	29,760	39,006	42,976	35,989	22.2	-16.3
Illinois	8,480	9,397	12,397	14,052	23.1	13.4
Kansas	2,090	2,442	2,686	2,678	14.3	-0.3
Massachusetts ²	1,950	2,670	2,765	3,147	20.9	13.8
Michigan ¹	8,088	9,758	9,398	9,300	8.1	-1.0
Mississippi	2,745	3,129	3,563	3,729	14.9	4.7
Nevada ¹	2,320	2,722	2,691	2,690	8.0	0.0
Ohio	10,484	13,421	16,918	16,679	30.7	-1.4
Oklahoma	5,326	6,201	6,396	6,351	10.0	-0.7
Oregon	2,688	2,948	2,950	3,034	4.9	2.8
Rhode Island ¹	1,233	1,734	2,109	2,240	35.5	6.2
Tennessee	5,263	5,737	6,536	6,401	12.1	-2.1
Texas	33,816	33,303	46,290	54,803	18.4	18.4
Virginia	5,868	7,400	9,647	9,397	32.2	-2.6
Totals	151,996	176,705	209,262	214,908	18.8	2.7

Note: All States are fiscal year ending June 30 unless otherwise noted

¹ Calendar year figures, 1991 intakes are projected

² Male new commitments only

**TABLE 2
DRUG NEW COURT COMMITMENTS TO PRISONS
1988-1991**

State	1988	1989	1990	1991	Annualized % Change 1988-1990	% Change 1990-1991
Arkansas ²	435	603	772	N/A	38.7	N/A
California	8,135	11,927	13,857	13,162	35.2	-5.0
Florida	8,450	13,335	16,093	12,132	45.2	-24.6
Illinois	1,298	1,926	3,539	4,345	86.3	22.8
Kansas	351	551	681	579	47.0	-15.0
Massachusetts ^{1,2,3}	777	1,132	1,232	N/A	29.3	N/A
Michigan ^{1,2}	1,668	2,768	2,782	N/A	33.4	N/A
Mississippi	406	489	654	656	30.5	0.3
Ohio	1,813	3,228	5,161	5,242	92.3	1.6
Oklahoma	948	1,352	1,620	1,364	35.4	-15.8
Oregon	472	572	694	486	23.5	-30.0
Tennessee ²	792	1,375	2,502	N/A	108.0	N/A
Texas ²	6,430	7,327	11,786	N/A	41.6	N/A
Virginia	826	1,480	2,755	2,490	116.7	-9.6
Totals	32,801	48,065	64,128	40,456	47.8	-10.2⁴

Note: Fiscal years ending June 30 unless otherwise noted

¹ Calendar year data

² 1991 data not available

³ Male commitments only

⁴ Based on ten states for which 1991 data are available

**TABLE 3
PROJECTED NEW COURT COMMITMENTS TO PRISONS
1992-1996**

State	1992	1993	1994	1995	1996	Average Annual % Change	Total % Change
Arkansas	3,276	3,432	3,708	3,996	3,996	5.5	22.0
California ⁵	37,075	38,579	40,394	42,210	44,024	4.7	18.7
Florida	40,859	43,326	45,942	48,820	50,823	6.1	24.4
Illinois	14,835	15,583	16,359	17,163	17,848	5.1	20.3
Kansas ¹	2,549	2,632	2,717	2,805	2,897	3.4	13.7
Massachusetts ²	3,217	3,240	3,264	3,286	3,306	0.7	2.8
Michigan ³	9,350	9,350	9,350	9,350	9,350	0.0	0.0
Mississippi	3,818	3,812	3,869	3,926	3,985	1.1	4.4
Nevada ³	2,924	3,044	3,167	3,289	3,413	4.2	16.7
Ohio	21,049	22,403	22,220	21,480	20,753	-0.3	-1.4
Oklahoma	6,528	6,900	7,272	7,672	8,072	5.9	23.7
Oregon ³	3,316	3,230	3,327	3,427	3,530	1.6	6.5
Rhode Island ^{1,3}	2,339	2,465	2,573	2,661	2,724	4.1	16.5
Tennessee	6,700	6,850	6,900	6,950	7,050	1.3	5.2
Texas	59,751	63,377	67,016	70,815	74,996	6.4	25.5
Virginia	7,476	7,933	8,391	8,848	9,305	6.1	24.5
Totals	218,038	228,562	238,059	247,222	256,405	4.4	17.6

Note: Projections are for fiscal years ending June 30 unless otherwise noted

¹ Not official state projections

² Male calendar year new commitments only

³ Calendar year projections

⁴ Official calendar year projections through 1994 only

⁵ Male felon admissions

Oregon (30.0 percent). The only state reporting a significant increase was Illinois (22.8 percent).

The downturn in prison commitments has led many states to lower their five year admission projections. Table 3 summarizes these estimates and shows an overall expected increase of only 17.6 percent over the next five years, or an average annual rate of 4.4 percent. Several states (Massachusetts, Michigan, Mississippi, Oregon, Ohio and Tennessee) are projecting increases of less than 2 percent per year.

These new admission projections represent a strong departure from previous estimates. Should they prove to be accurate, immediate relief will be provided to state correctional systems that have been experiencing dramatic increases over the past decade. However, as will be shown below, these decreases in prison admissions will not end but simply slow growth in prison populations.

IMPACT ON PRISON POPULATION GROWTH

Despite a significant reduction in the rate of growth for projected new court commitments, prison populations will continue to rise (Table 4). Specifically, the states we are analyzing are projecting an overall increase of 35.4 percent over the next five years (or an annual rate of increase of 7.1 percent). This rate of increase is significantly lower than the 1989 estimates that showed a five year increase of nearly 60 percent (or an annual rate of 12 percent).

Populations will increase faster than admissions due to growing lengths-of-stay for certain classes of offenders sentenced for specific crimes. For example, as noted in a previous NCCD FOCUS (June 1991) on Florida's prison crowding situation, we pointed out the long-term impact of mandatory minimum sentences which require persons convicted of certain crimes to receive lengthy prison terms and be ineligible for good-time credits. Consequently, despite a projected 24.4 percent

increase in new court commitments for Florida, its prison population will increase by 47.9 percent even with the continued use of early release on a massive scale.

It should also be emphasized that these official forecasts assume continued use of well established early release practices in five states (Florida, Illinois, Oklahoma, Tennessee and Texas). Were these release practices discontinued, these population estimates would be considerably higher. In particular Florida's forecast would reach 91,000 inmates by 1996 if it were to discontinue the use of early release in 1991.

IMPACT ON PAROLE POPULATION GROWTH

Of the 16 states, 10 provided information on parole population growth. Overall, these states are projecting a 41.9 percent increase which is slightly above the prison rate of growth (Table 5). In five of these states (Illinois, Massachusetts,

**TABLE 4
FIVE YEAR PROJECTED PRISON POPULATIONS
1991-1996**

State	1991	1992	1993	1994	1995	1996	% Change
Arkansas	7,291	7,703	8,226	8,797	9,419	9,792	34.3
California	101,995	105,992	111,393	117,268	125,807	132,972	30.4
Florida ¹	46,233	49,623	53,507	58,553	65,095	71,760	47.9
Illinois ¹	28,941	30,603	32,265	33,902	36,021	37,849	30.8
Kansas ²	5,615	5,639	5,678	5,940	6,170	6,444	14.8
Massachusetts	7,980	8,389	8,614	8,866	9,114	9,188	15.1
Michigan	35,228	37,305	38,892	40,374	41,909	43,500	23.5
Mississippi ³	8,694	9,319	9,817	10,308	10,737	11,193	28.8
Nevada	6,072	6,824	7,589	8,414	9,164	9,917	63.3
Ohio	33,700	35,736	38,045	40,018	41,275	42,117	25.0
Oklahoma ¹	13,059	14,025	14,933	15,954	16,946	17,945	37.4
Oregon	6,985	7,569	8,307	8,908	9,365	10,123	44.9
Rhode Island ^{2,4}	2,267	2,508	2,606	2,743	2,879	2,966	30.8
Tennessee ¹	13,976	15,106	16,002	16,584	17,126	17,714	26.7
Texas ¹	59,466	65,488	73,394	77,806	81,807	86,943	46.2
Virginia	17,734	18,863	20,207	21,594	23,136	24,595	38.7
Totals	395,236	420,692	449,475	476,009	505,970	535,018	35.4

Note: Projections are for fiscal years ending June 30 unless otherwise noted

¹ Assuming continued use of early release mechanisms

³ Official projections through 1994 only, 1995-1996 are extrapolation of official state projection

² Not official state projections

⁴ Calendar year projections

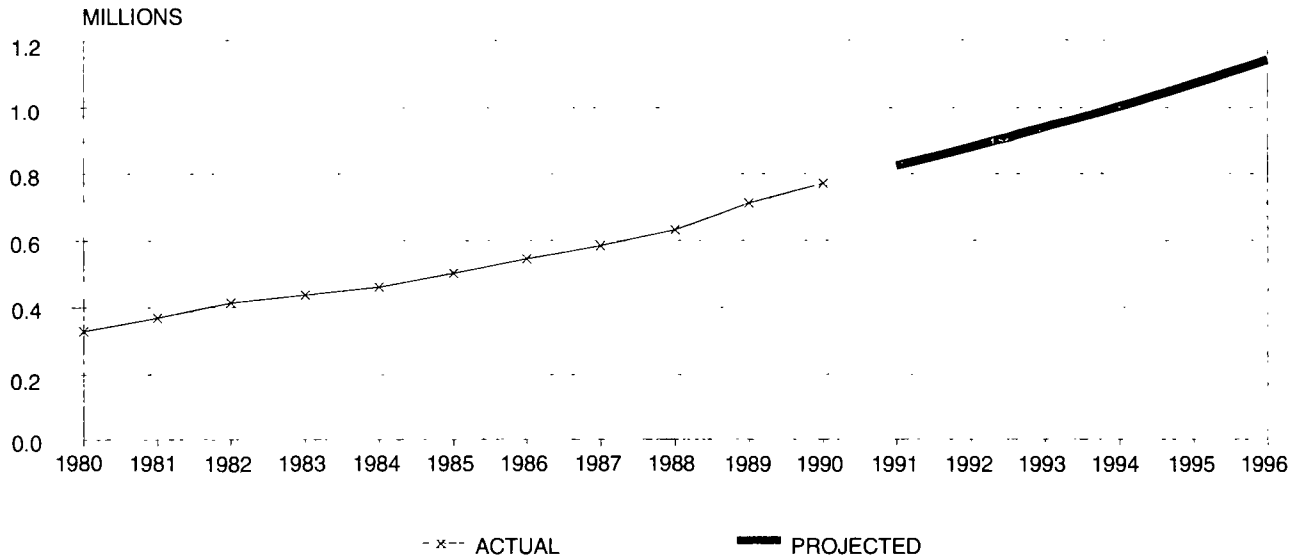
**TABLE 5
FIVE YEAR PROJECTED PAROLE POPULATIONS
JUNE ALL YEARS**

State	1991	1992	1993	1994	1995	1996	% Change
Arkansas	5,050	5,270	5,547	5,845	6,390	6,874	36.1
California	74,997	83,981	91,614	99,392	104,216	108,772	45.0
Illinois	17,245	20,695	23,125	25,428	26,603	28,107	63.0
Kansas ¹	3,680	3,795	3,910	3,988	3,957	3,967	7.8
Michigan ²	11,068	11,189	11,963	12,380	12,813	13,261	19.8
Nevada	2,664	2,266	2,140	2,313	2,582	2,717	2.0
Oklahoma	4,000	4,531	5,171	5,722	6,124	6,361	59.0
Oregon	6,829	8,481	9,574	10,170	10,695	11,049	61.8
Tennessee	10,305	10,685	11,549	12,857	13,992	14,911	44.7
Texas	77,054	76,459	81,277	91,341	100,121	106,022	37.6
Totals	212,892	227,352	245,870	269,436	287,493	302,041	41.9

¹ Not official state projections

² Official state projections through 1994 only, 1995-1996 are extrapolations of official projections

FIGURE 3
ACTUAL AND PROJECTED U.S. PRISON POPULATION
1980-1996



Oklahoma, Oregon, and Tennessee), parole populations will grow considerably faster than their prisons populations. Several of these states are relying heavily upon accelerated release mechanisms which will increase the numbers of persons released from prison to parole as prison release and parole eligibility dates are accelerated. For example, in Illinois the parole population is projected to grow by 63.0 percent compared to its projected prison population growth of 30.8 percent as inmates are awarded increasing amounts of meritorious good-time awards. Similarly, Tennessee's parole population will grow by 44.7 percent compared to a prison growth rate of only 26.7 percent as it continues to expedite releases from prison to parole.

In other states, increases in parole populations are triggered by longer periods of supervision. For example, Oregon passed legislation in the past requiring far longer periods of parole supervision. Similar to the phenomenon of prisoners with lengthy

prison terms, parolees who previously were discharged in 12 to 24 months may spend as long as five years under supervision and are beginning to "stack up" on parole supervision caseloads.

SUMMARY

Recent declines in drug arrests have provided a small level of relief to local and state correctional systems. Whether this trend of slower or declining growth rates in prison admissions will continue depends largely upon future law enforcement policies toward drug crimes and the fiscal well being of local units of government. However, even if these trends continue into the future, prison populations will continue to grow, albeit at a slower rate, as the cumulative effects of mandatory minimum and longer prison sentences increase lengths-of-stay in prison for many offenders. Furthermore, many states will have to maintain current early release practices to maintain the lower

rate of growth. If such practices were to be discontinued, states would experience a rapid growth in their prison populations.

Assuming that these 16 states are representative of trends that are on-going in other states and the Federal Prison System, the nation's prison population will reach 1 million inmates by 1994 (Figure 3).

¹ See NCCD FOCUS, "America's Growing Correctional Industrial Complex" and "The NCCD Prison Population Forecast: The Impact on the War on Drugs."

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