

# Mass Incarceration: The Whole Pie 2025

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Press release

Can it really be true that most people in jail are legally innocent? How much of mass incarceration is a result of the war on drugs, or the profit motives of private prisons? Have popular reforms really triggered a crime wave? These essential questions are harder to answer than you might expect. The various government agencies involved in the criminal legal system collect a lot of data, but very little is designed to help policymakers or the public understand what’s going on. The uncertainty that results muddies the waters around our society’s use of incarceration, giving lawmakers and lobbyists the opportunity to advance harmful policies that do not make us safe. As criminal legal system reforms become increasingly central to political debate — and are even scapegoated to resurrect old, ineffective “tough on crime” policies — it’s more important than ever that we get the facts straight and understand **the big picture**.

Further complicating matters is the fact that the U.S. doesn’t have *one* criminal legal system; instead, we have thousands of federal, state, local, and tribal systems. Together, these systems hold **nearly 2 million people** in 1,566 state prisons, 98 federal prisons, 3,116 local jails, 1,277 juvenile correctional facilities, 133 immigration detention facilities, and 80 Indian country jails, as well as in military prisons, civil commitment centers, state psychiatric hospitals, and prisons in the U.S. territories — at a system-wide cost of at least \$182 billion each year.<sup>① ②</sup>

This report offers some much-needed clarity by **piecing together the data about this country’s disparate systems of confinement**. It provides a detailed look at where and why people are locked up in the U.S., and dispels some common myths about mass incarceration to focus attention on overlooked issues that urgently require reform. For the first time, we also include a high-level look at changes to confined populations over the past few years.

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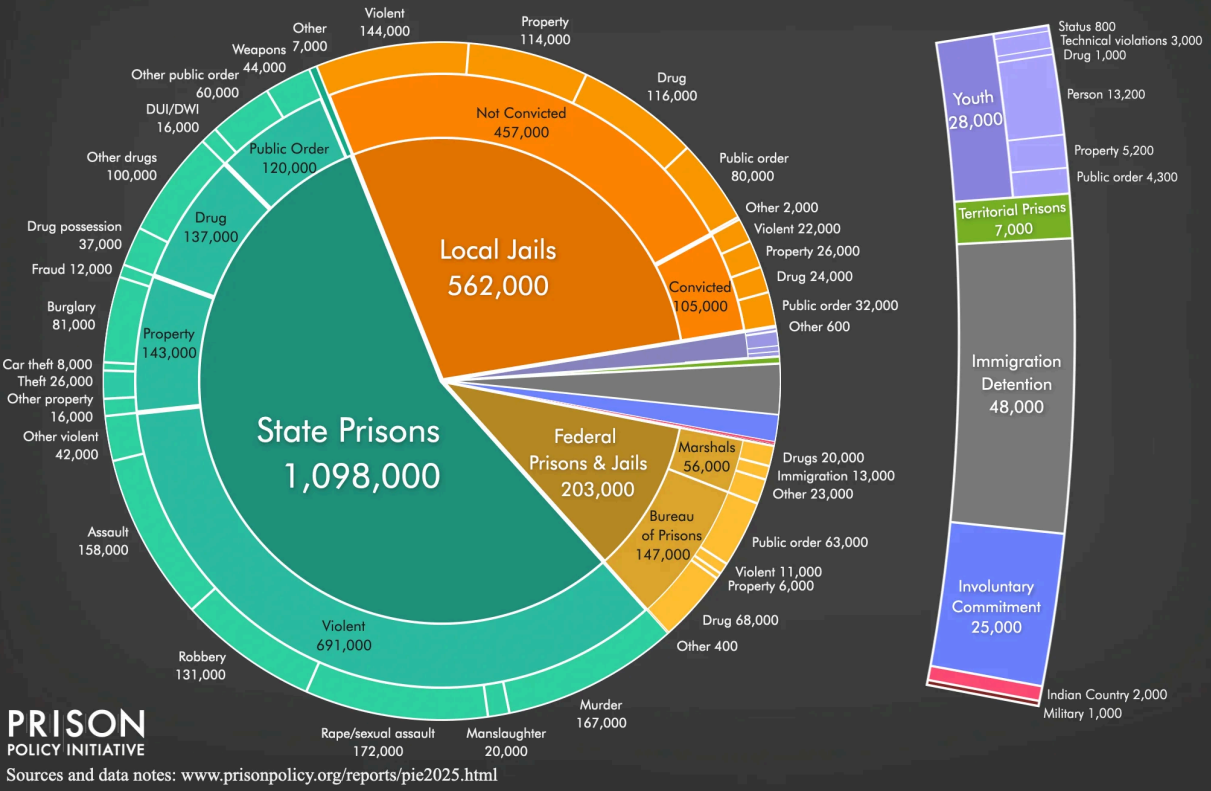
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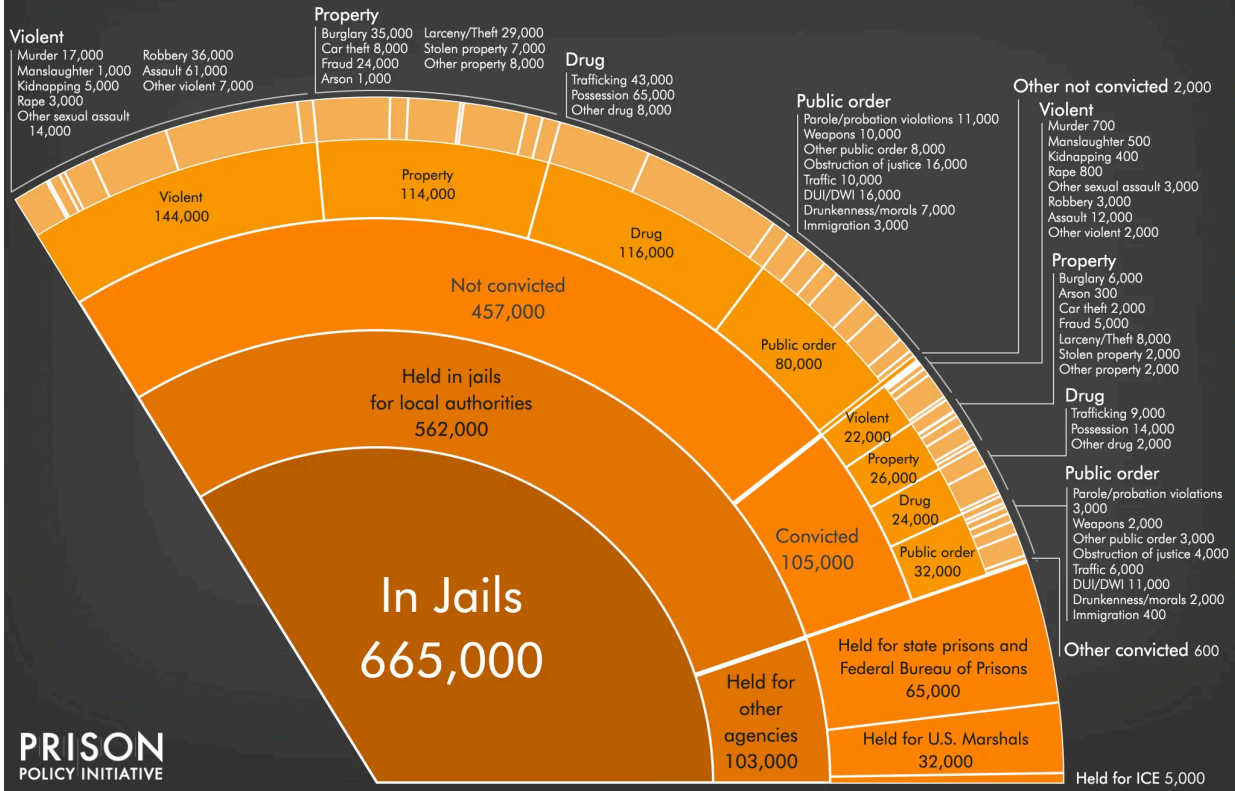
# How many people are locked up in the United States?

The U.S. locks up more people per capita than any other independent democracy, at the staggering rate of 580 per 100,000 residents. But to end mass incarceration, we must first consider *where* and *why* nearly 2 million people are confined nationwide.

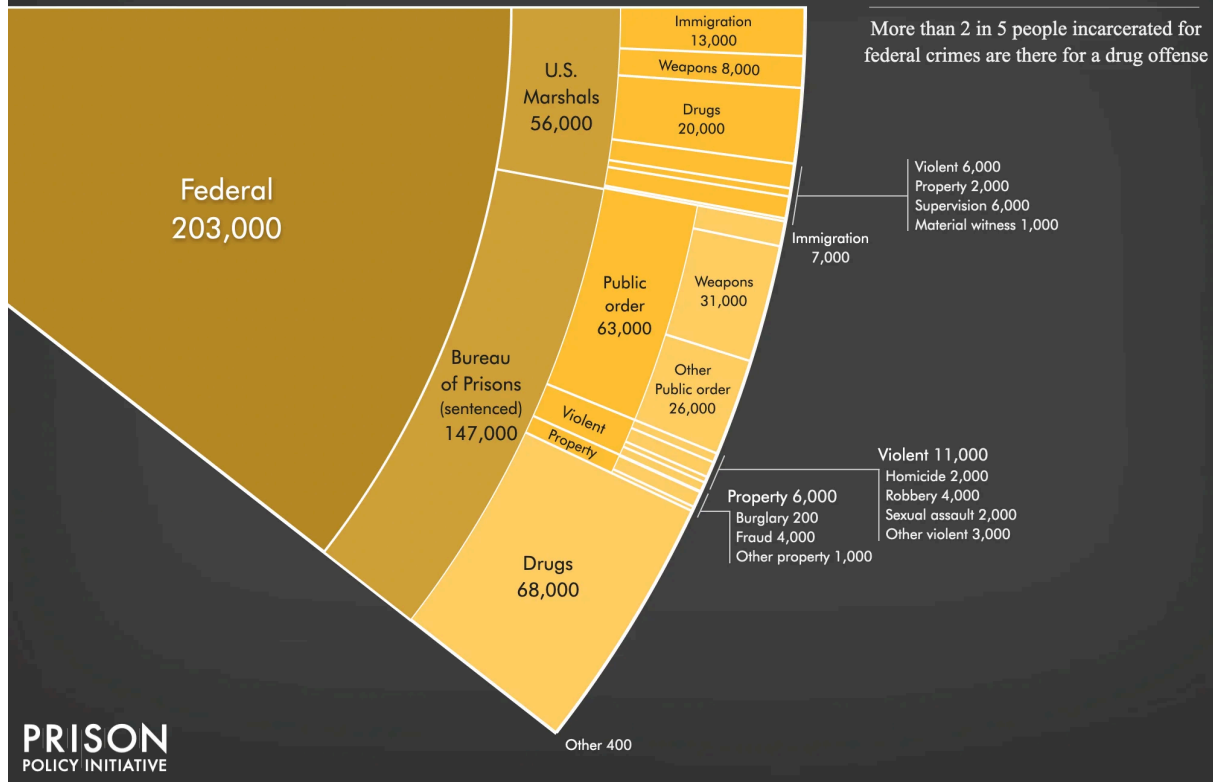


# 1 in 3 people behind bars is in a jail. Most have yet to be tried in court.

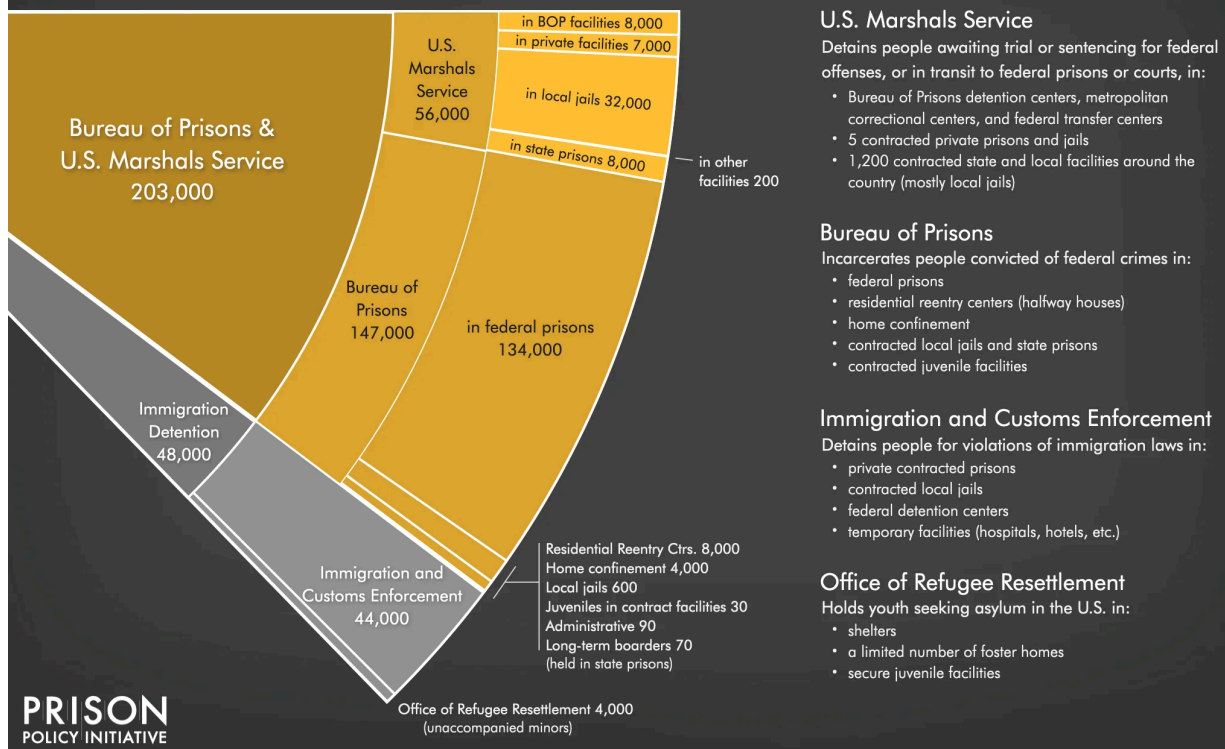
Over 80% of those in jail under local authority have not been convicted and are presumed innocent. If you include the 103,000 people held in jails that rent out space to other agencies, 70% of all people in jails are unconvicted. Either way, jail incarceration rates are driven largely by local bail practices.



## Despite reforms, drug offenses are still a defining characteristic of the federal system



## Beyond "federal prison," multiple agencies and thousands of local facilities confine people for the federal government



## Changes and trends in the data over time

Every year, we caution against year-to-year comparisons of our Whole Pie reports because the data for different systems vary in their consistency over time (as we explain further in the [Methodology](#)). However, people engaged in policymaking, analysis, and advocacy related to the criminal legal system understandably look for shifts in each year's Whole Pie report for clues about where to focus their attention. This year, we have added this new section to make that job a bit easier.

### Notable year-to-year changes, including changes under the Trump administration

The biggest takeaway in terms of changes from last year's Whole Pie is that many systems of confinement are locking up more people, reversing years of downward trends. In particular:

- **State prisons confined about 27,000 (or 2.5%) more people at the end of 2023** (the most recent year for which data are available) than they did at the end of 2022. Since state prison populations nationwide peaked in 2009, their numbers dropped every year but one until 2022, typically by one or two percent, and of course by an unprecedented 15% in the first year of the COVID-19 pandemic. But in both 2022 and 2023, we have seen year-to-year increases of over 23,000 people per year — more than in any single year since 2006.
- Local city, county, and regional **jail authorities locked up about 12,000 (2%) more people in 2023 than 2022**,<sup>③</sup> which is at least slower than the 5.5% growth we saw in 2022.
- Juvenile courts detained and committed over 2,700 (11%) more youth in “residential placement” facilities in 2022 than in 2021 (again, the most recent national data available). This was **the first increase in youth confinement after two decades of steady declines**; we don't yet have answers about what's behind this reversal, but advocates are anxious to see whether it continues.
- Overall, the total confined population across all of the slices in the “pie” grew by 38,000 (2%).

Many readers may be wondering about the effects the second Trump administration is having on mass incarceration. Unfortunately, because of the significant lag between data collection and publication (which was particularly bad under the first Trump administration), we won't be able to measure the full impact for at least another year — except for certain federal agencies that publish much more timely data and for which policy changes have immediate effects. In one alarming example, **we already see a significant increase in immigration detention** for Immigration and Customs Enforcement (ICE): in the first month under the current administration (January 25 to February 23, 2025), ICE detention grew by 4,500



(12%) people. But it will likely take longer for other changes to become evident in criminal legal system data.

## Tracking carceral growth since the early pandemic

The trends in the carceral data since 2019 — that is, since before the COVID-19 pandemic — show that **many of the drops in confined populations are quickly being erased**. Local, state, and federal systems continue to “rebound” from pandemic-related court slowdowns and administrative decisions about expedited releases and diversion. The total confined population is still about 13% smaller than its pre-pandemic size, but new growth across various systems suggests that the savings from reduced confinement — in terms of both financial and social costs — will not be sustained without explicitly decarceral policy changes. Compared to their pre-pandemic levels:

- The average daily population in local jails is about 10% smaller than it was in 2019, after dropping by 17% in the first two years of the pandemic.<sup>④</sup>
- ICE detention has already *exceeded* its early 2020 numbers by 13%.
- State prisons nationwide hold about 13% fewer people than they did at the end of 2019, after shedding almost 17% of their combined populations between 2020 and 2021. Over 2022 and 2023, however, state prisons have added more than 50,000 people, undoing about a quarter (24%) of the decarceration that was sparked by the pandemic.

## Divergent state-level trends after pandemic-related population drops

When we drill down to the individual state level, it’s clear that some states have made purposeful changes to reduce their prison populations and to maintain those drops beyond the early years of the pandemic. All told, **nine states each imprisoned 20% fewer people in 2023 than they did in 2019**. Most dramatically, New Jersey holds 37% fewer people in state prisons than it did in 2019. And even as state prison populations grew nationwide, **ten states reduced their prison populations between 2021 and 2023**; collectively these states reduced their prison populations by about 10,700 people since 2021. California cut its numbers the most, by almost 5,500 people (-5%), followed by Virginia, which cut almost 3,000 (-10%). Oregon and New Jersey both reduced their prison populations by almost 7% over the same time.

**In contrast, other states appear to be eagerly refilling their prisons** after experiencing pandemic-related population drops. Nine states each added over 2,000 people to their prison populations over 2022 and 2023, accounting for 77% of all state prison growth nationwide over that time. Texas alone accounts for almost 31% of all that growth, Florida accounts for 13%, and Georgia 7%. Beyond “rebounding” to near-2019 levels, **seven states actually imprisoned more people in 2023 than they did before the pandemic**, and another 15 states are quickly closing the gap, all within 10% of their 2019 prison population size:

<b>State</b>	<b>Prison population change from 2019-2023</b>	<b>2023 population compared to 2019</b>	<b>Prison population change from 2021-2023</b>	<b>Percent change from 2021-2023</b>
<b>Alabama</b>	-1,123	96%	2,149	8.6%
<b>Alaska</b>	3	100.1%	-161	-3.5%
<b>Arizona</b>	-7,968	81%	559	1.6%
<b>Arkansas</b>	744	104%	1,481	8.7%
<b>California</b>	-26,725	78%	-5,479	-5.4%
<b>Colorado</b>	-2,326	88%	1,594	10.0%
<b>Connecticut</b>	-1,724	87%	1,210	12.2%
<b>Delaware</b>	-825	86%	57	1.2%
<b>Florida</b>	-8,802	91%	6,790	8.4%
<b>Georgia</b>	-4,391	92%	3,415	7.3%
<b>Hawaii</b>	-1,337	75%	-160	-3.9%
<b>Idaho</b>	392	104%	922	10.4%
<b>Illinois</b>	-8,431	78%	1,353	4.8%
<b>Indiana</b>	-2,092	92%	372	1.5%
<b>Iowa</b>	-451	95%	269	3.1%
<b>Kansas</b>	-1,052	90%	604	7.1%
<b>Kentucky</b>	-3,907	83%	615	3.3%
<b>Louisiana</b>	-3,423	89%	2,112	8.1%
<b>Maine</b>	-312	86%	296	18.8%
<b>Maryland</b>	-2,359	87%	1,102	7.3%
<b>Massachusetts</b>	-2,203	73%	-146	-2.4%
<b>Michigan</b>	-5,067	87%	800	2.5%
<b>Minnesota</b>	-1,257	87%	722	9.0%
<b>Mississippi</b>	109	101%	2,194	12.7%
<b>Missouri</b>	-1,821	93%	801	3.4%
<b>Montana</b>	262	106%	672	15.6%
<b>Nebraska</b>	249	104%	331	5.9%
<b>Nevada</b>	-2,377	81%	261	2.6%
<b>New Hampshire</b>	-576	79%	-12	-0.6%
<b>New Jersey</b>	-6,938	63%	-831	-6.6%
<b>New Mexico</b>	-1,137	83%	432	8.4%
<b>New York</b>	-10,917	75%	2,245	7.4%
<b>North Carolina</b>	-3,394	90%	1,690	5.8%
<b>North Dakota</b>	105	106%	210	12.4%
<b>Ohio</b>	-3,808	92%	1,501	3.3%
<b>Oklahoma</b>	-2,750	89%	-108	-0.5%
<b>Oregon</b>	-2,645	82%	-882	-6.7%
<b>Pennsylvania</b>	-6,842	85%	1,666	4.5%

State	Prison population change from 2019-2023	2023 population compared to 2019	Prison population change from 2021-2023	Percent change from 2021-2023
Rhode Island	-221	92%	281	12.6%
South Carolina	-2,155	88%	694	4.4%
South Dakota	-37	99%	411	12.3%
Tennessee	-1,941	93%	2,413	11.0%
Texas	-9,165	94%	15,492	11.6%
Utah	-269	96%	495	8.4%
Vermont	-274	83%	47	3.7%
Virginia	-8,649	76%	-2,915	-9.6%
Washington	-4,820	75%	767	5.6%
West Virginia	-1,000	85%	-47	-0.8%
Wisconsin	-1,538	94%	2,216	11.0%
Wyoming	-267	89%	89	4.2%
<b>50 States combined</b>	-157,452	87%	50,589	4.8%

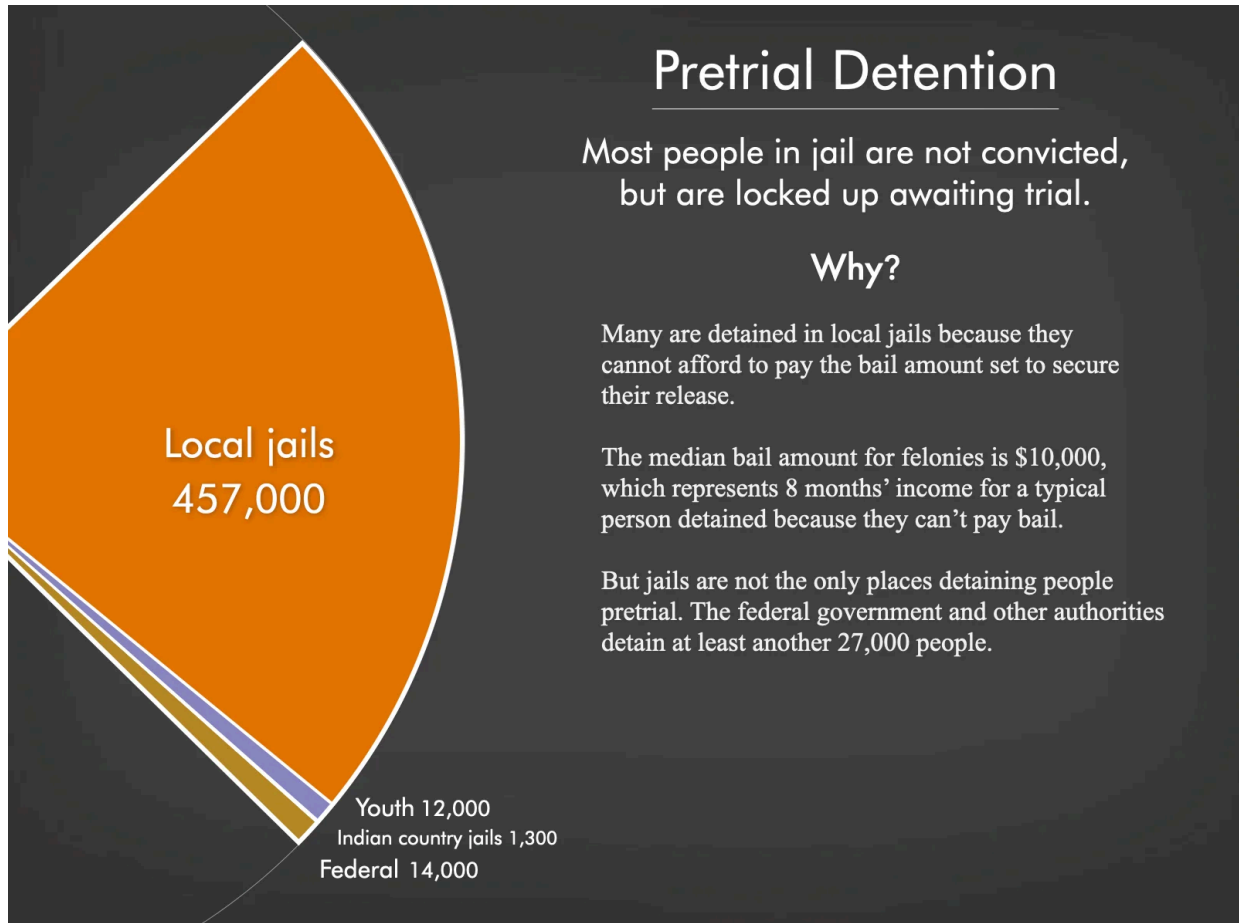
This big-picture view is a lens through which the main drivers of mass incarceration come into focus;<sup>5</sup> it allows us to identify important, but often ignored, systems of confinement, from immigration detention to involuntary commitment and youth confinement. In particular, local jails often receive short shrift in larger discussions about criminal legal system reform, but they play a critical role as “incarceration’s front door” and have a far greater impact than the daily population suggests.

### Jails vs. prisons: What’s the difference?

**Prisons** are facilities under state or federal control where people who have been convicted (usually of felonies) go to serve their sentences. **Jails** are city- or county-run facilities where a majority of people locked up are there awaiting trial (in other words, still legally innocent), many because they can’t afford to post bail. To make things a little more complicated, some people do serve their sentences in local jails, either because their sentences are short or because the jail is renting space to the state prison system.

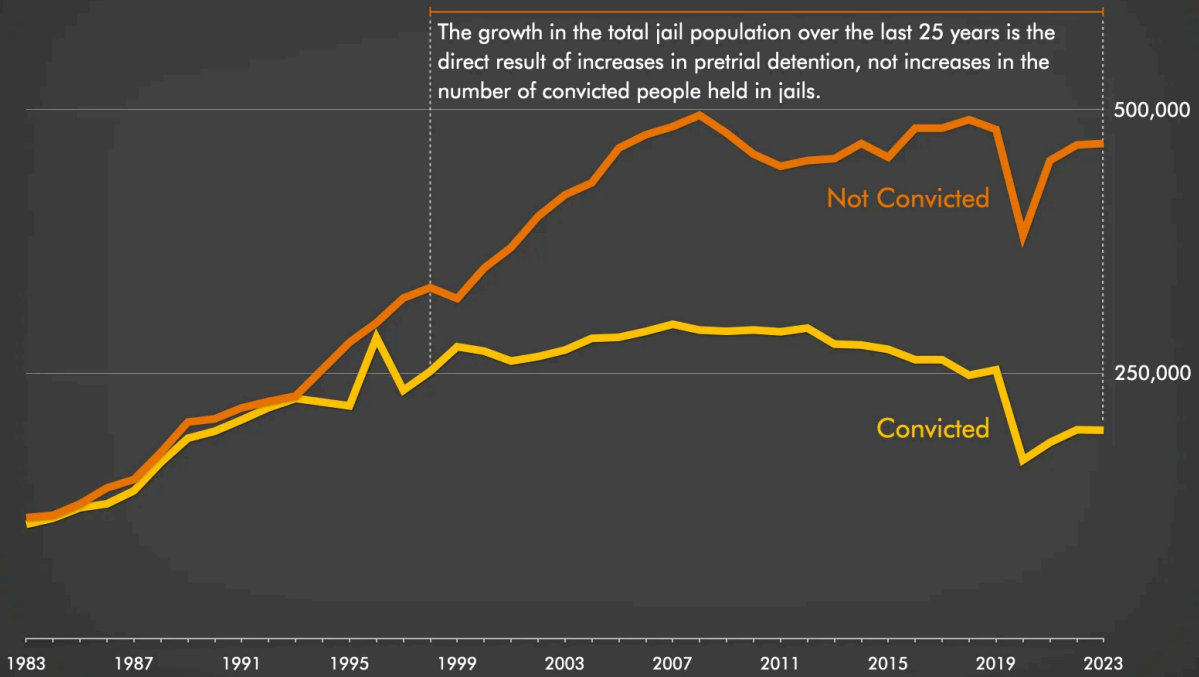
While this pie chart provides a comprehensive snapshot of our correctional system, the graphic does not capture the **enormous churn** in and out of our correctional facilities, nor

the far larger universe of people whose lives are affected by the criminal legal system. In 2022, about 469,000 people entered *prison* gates, but people went to *jail* more than 7 million times.<sup>⑥</sup> Some have just been arrested and will make bail within hours or days, while many others are too poor to make bail and remain in jail until their trial ends.<sup>⑦</sup> Only a small number (about 105,000 on any given day) have been convicted, and are generally serving misdemeanors sentences of under a year. At least 1 in 4 people who go to jail will be arrested again within the same year — often those dealing with poverty, mental illness, and substance use disorders, whose problems only worsen with incarceration.



# Pretrial policies drive jail growth

Number of people in local jails on a given day, by conviction status

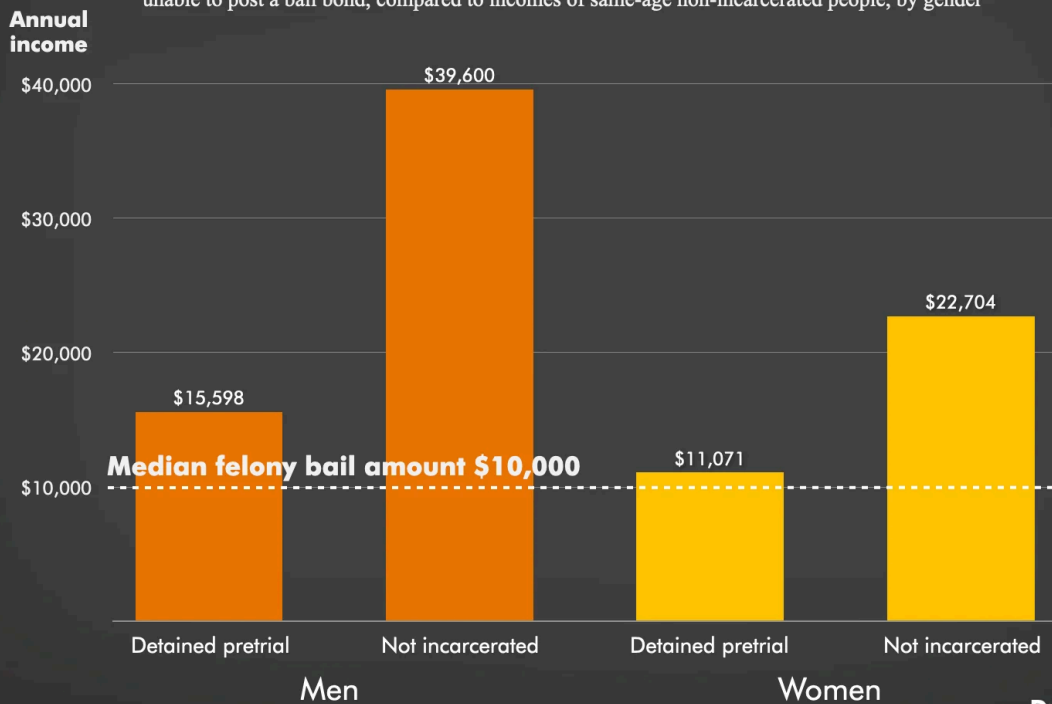


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Compiled from the Bureau of Justice Statistics series *Prison and Jail Inmates at Midyear*, *Correctional Populations in the United States*, and *Jail Inmates*. Missing data for 1994 interpolated from 1993 and 1995 values.

# Why are so many people detained in jails before trial? They're not wealthy enough to afford money bail.

Median annual pre-incarceration incomes (in 2015 dollars) for people ages 23-39 in local jails who were unable to post a bail bond, compared to incomes of same-age non-incarcerated people, by gender

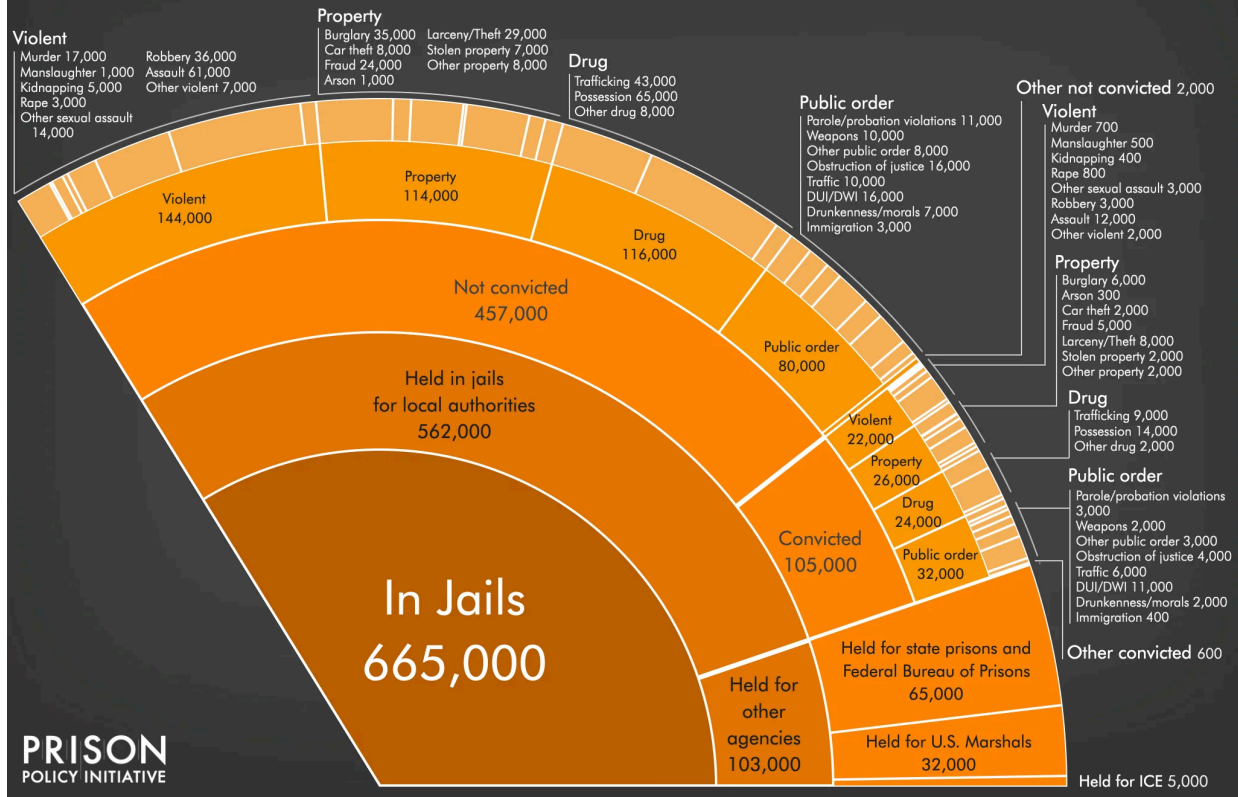


For detailed data notes, see *Detaining the Poor* at [www.prisonpolicy.org/reports/incomejails.html](http://www.prisonpolicy.org/reports/incomejails.html)

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# 1 in 3 people behind bars is in a jail. Most have yet to be tried in court.

Over 80% of those in jail under local authority have not been convicted and are presumed innocent. If you include the 103,000 people held in jails that rent out space to other agencies, 70% of all people in jails are unconvicted. Either way, jail incarceration rates are driven largely by local bail practices.



With a sense of the big picture, the next question is: *why* are so many people locked up? How many are incarcerated for drug offenses? Are the profit motives of private companies driving incarceration? Or is it really about public safety and keeping dangerous people off the streets? There are a plethora of modern myths about incarceration. Some have a kernel of truth, but these myths distract us from focusing on the most important drivers of incarceration.

## Ten myths about crime and mass incarceration

The overcriminalization of drug use, the use of private prisons, and low-paid or unpaid prison labor are among the most contentious issues in the criminal legal system today because they inspire moral outrage. But they do not answer the question of why most people are incarcerated or how we can dramatically — and safely — reduce our use of confinement. Likewise, emotional responses to sexual and violent offenses often derail important conversations about the social, economic, and moral costs of incarceration and lifelong punishment. False notions of what a “violent crime” conviction means about an individual’s dangerousness continue to be used in an attempt to

### 10 Myths

1. Crime
2. Releasing “non-violent drug offenders” is enough
3. Violent crime
4. Releasing people in prison for violent and sexual crimes
5. Treatment and services for people in jail
6. Harsh punishments



justify long sentences — even though incarceration does not deter crime and more incarceration is not what victims want. At the same time, misguided beliefs about the “services” provided by jails are used to rationalize the construction of massive new “mental health jails.” Finally, simplistic solutions to reducing incarceration, such as moving people from jails and prisons to community supervision, ignore the fact that “alternatives” to incarceration often lead to incarceration anyway. Focusing on the policy changes that can end mass incarceration, and not just put a dent in it, requires the public to put these issues into perspective.

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7. What crime victims want

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8. Private prisons are the corrupt heart of mass incarceration

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9. Prisons are “factories behind fences”

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10. Expanding community supervision

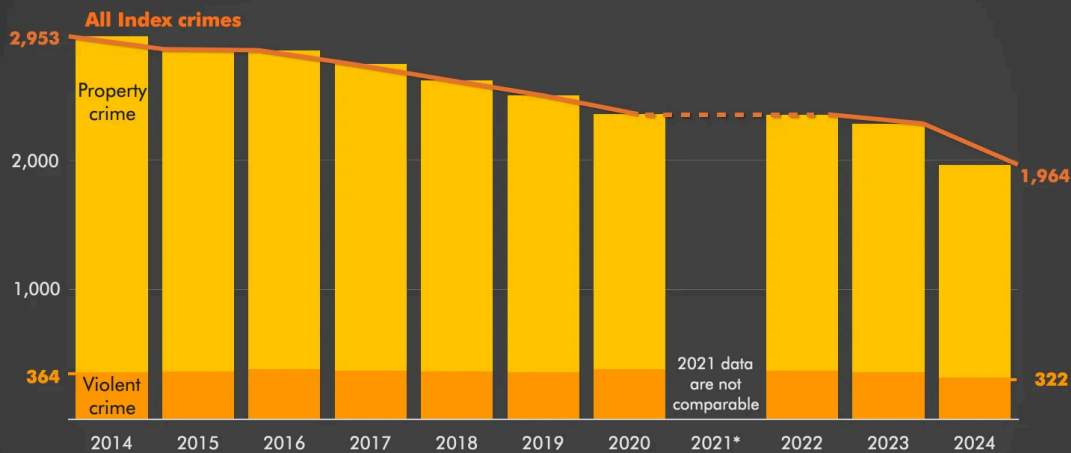
## **The first myth: Crime is up, and immigration and criminal legal system reforms are to blame**

The specter of “rising crime” persists as a central issue among elected officials, political candidates, and in media commentary, and both immigration and popular criminal legal system reforms have been predictably blamed. These explanations and falsehoods about recent crime trends don’t add up, but lies about hard-fought reforms have serious consequences nonetheless.

Given the increasing politicalization of criminal legal system facts in recent years, it bears repeating that we do have up-to-date crime statistics from the FBI that affirm that crime remains at historic lows.<sup>⑧</sup> Preliminary data from the first half of 2024 shows that nationwide, the crime rate for all Index crimes likely hit its lowest point since 1961 last year:<sup>⑨</sup>

## U.S. crime rates continue to fall, and preliminary data indicate that the 2024 crime rate was the lowest since 1961

Index crimes per 100,000 U.S. residents, 2014-2024



\* The FBI warns that 2021 estimates were below statistically acceptable levels to be nationally representative and are not comparable to other yearly estimates. For that reason, we have excluded them from this chart.

"Violent" Index crimes include murder and nonnegligent manslaughter, rape, robbery, and aggravated assault. "Property" Index crimes include burglary, larceny-theft, and motor vehicle theft.

Sources: FBI *Crime in the United States* series and Crime Data Explorer, and Bureau of Justice Statistics, *Sourcebook of Criminal Justice Statistics*, 2003 Table 3.106, showing the Total Crime Index by year from 1960-2002 (for historical comparison). The Prison Policy Initiative estimated 2024 data based on the reported percent change in crime rates between the first six months of 2023 and the first six months of 2024 (violent crime: down 10%, property crime: down 13%). 2024 data should be considered preliminary until annual crime data are reported.

Contrary to the misinformation spread by national leaders, multiple studies show that, documented or not, immigrants do not commit more crime than native-born Americans. In fact, the available data suggest that **non-U.S. citizens account for very little crime**. National arrest data are not broken down by citizenship status, but the most recent nationwide data about people in jails — where people are detained after arrest — show that just 3% of people jailed are non-citizens.<sup>(10)</sup> And because most people detained in jails have not been convicted, it's very likely that only a fraction of that 3% have actually been found guilty of any crime.

Many people have also rushed to blame recent reforms for minor (or imagined) shifts in crime trends in an effort to resurrect the same "tough on crime" policies that failed in the 1980s and 90s. This strategy has even succeeded in rolling back popular reforms that had demonstrated success. While we most commonly hear these arguments from those in law enforcement and on the right, they have gained enough traction that Democrats, too, have pulled back their support for criminal legal system reforms. But in reality, a number of studies have shown:

- No evidence that progressive prosecutors were to blame for the increase in homicides during the pandemic or in the five years before it.<sup>(11)</sup>
- Murder rates were an average of 33% higher in "red" states compared to "blue" states in 2021 and 2022; more broadly, murder rates over the years 2000-2022 were 24% higher on average in "red" states.
- Releasing people pretrial doesn't harm public safety.

- The temporary uptick in homicide during the early pandemic was unrelated to reform efforts: cities that increased police budgets, enacted no bail reforms, and did not elect “progressive” prosecutors also saw increases in homicides in 2020 and 2021.

While crime rates remain near historic lows, what has actually changed most is the public’s perception of crime, which is driven less by first-hand experience or data than by the false claims of reform opponents. These false claims are deliberately stoked to undo the hard-won, evidence supported, common sense reforms that have only begun to put a dent in mass incarceration.

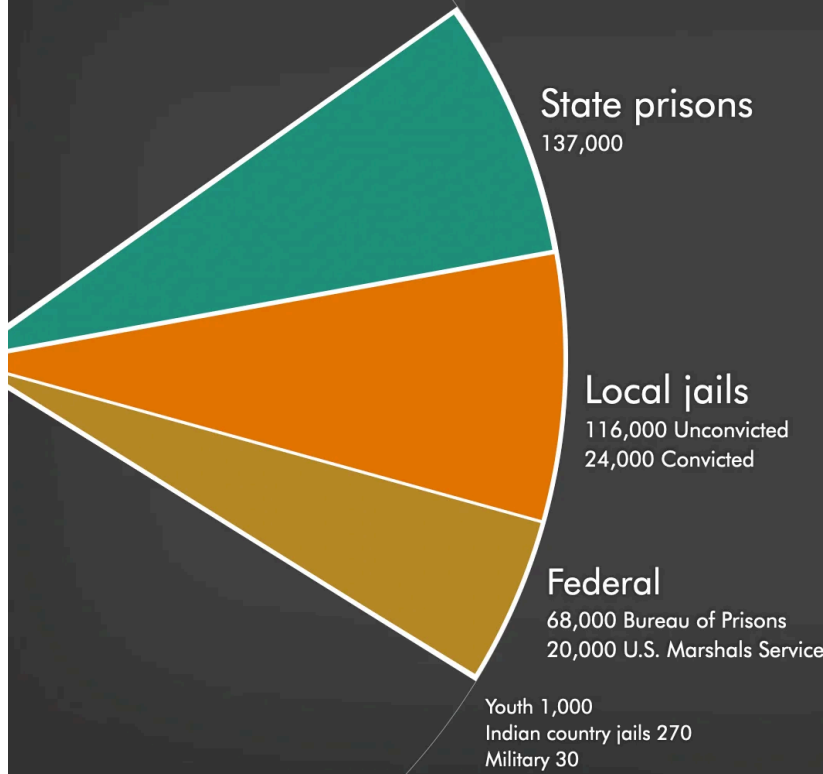
## **The second myth: Releasing “nonviolent drug offenders” would end mass incarceration**

It’s true that police, prosecutors, and judges continue to punish people harshly for nothing more than drug possession. Drug offenses still account for the incarceration of over 360,000 people, and drug convictions remain a defining feature of the *federal* prison system. Even with recent changes to many state drug laws, police still make almost a million drug arrests each year,<sup>(12)</sup> many of which lead to prison sentences. Drug arrests continue to give residents of over-policed communities criminal records, hurting their employment prospects and increasing the likelihood of longer sentences for any future offenses.

Nevertheless, 4 out of 5 people in prison or jail are locked up for something other than a drug offense — either a more serious offense or an even *less* serious one. To end mass incarceration, we will have to change how our society and our criminal legal system respond to crimes more serious than drug possession. We must also stop incarcerating people for behaviors that are even more benign.

# 1 in 5 incarcerated people is locked up for a drug offense

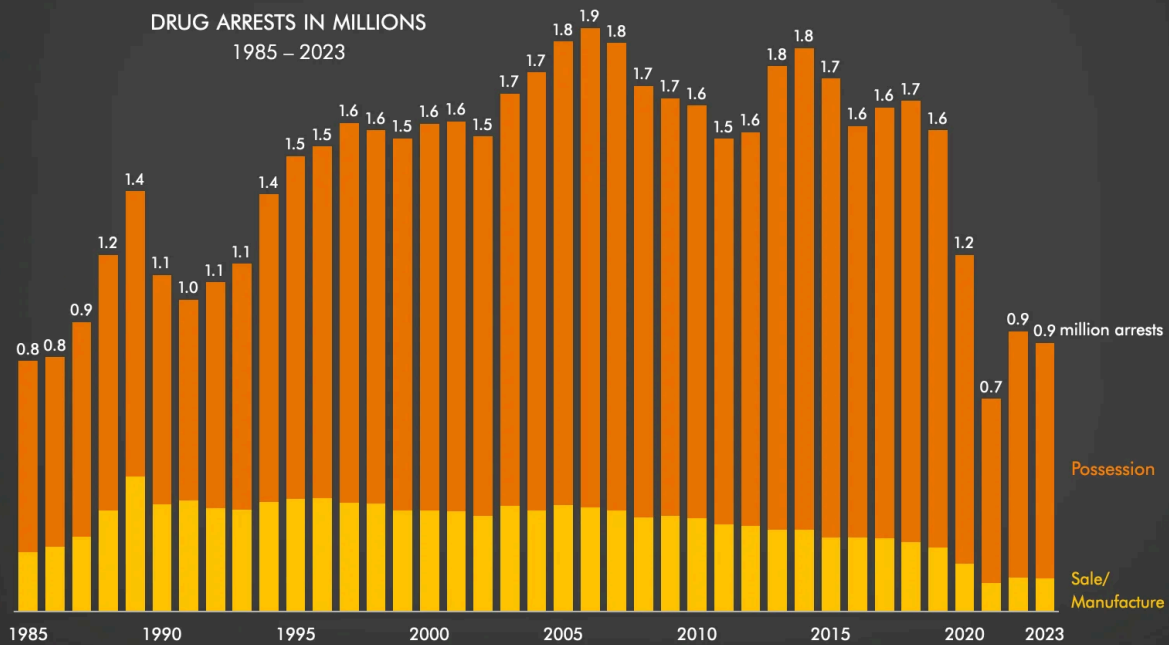
366,000 are incarcerated for drug offenses on any given day



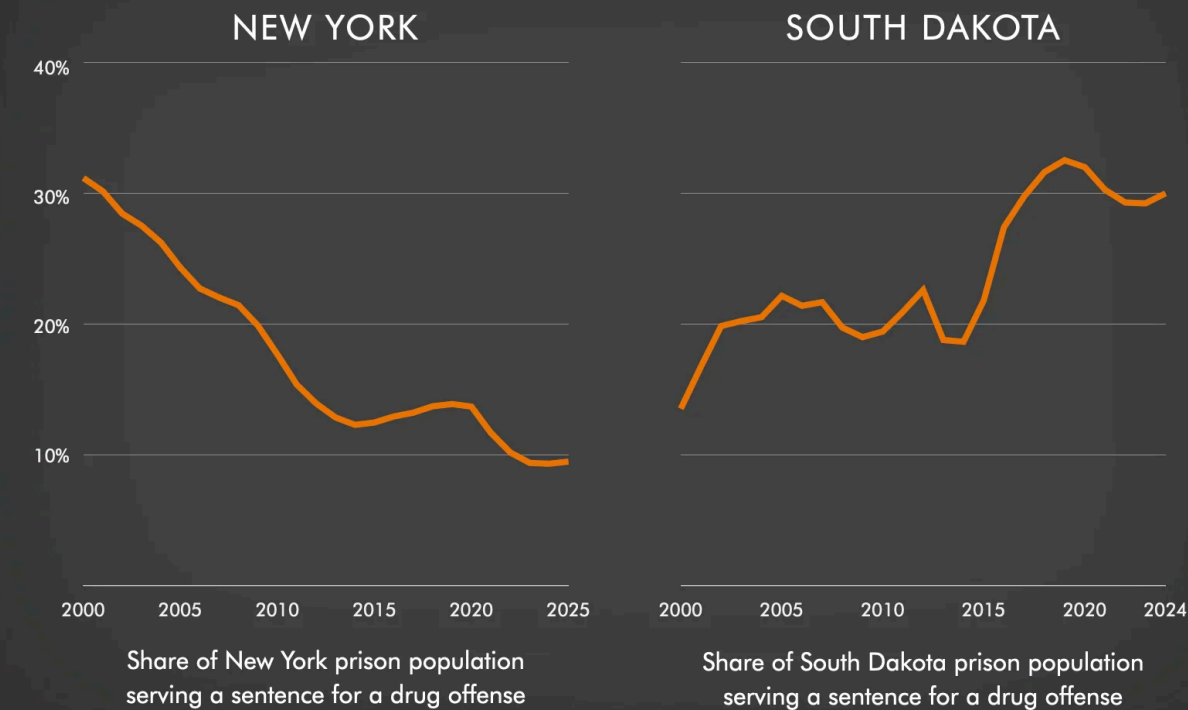
# Even with recent changes to drug laws and enforcement, police still make almost a million drug arrests each year

Police arrest people 7 times as often for drug possession as they do for drug sales.

DRUG ARRESTS IN MILLIONS  
1985 – 2023



Some states have largely ended the War on Drugs.  
Other states, not so much.



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Compiled by the Prison Policy Initiative from available state prison records

### The third myth: By definition, “violent crime” involves physical harm

The distinction between “violent” and “nonviolent” crime means less than you might think; in fact, these terms are so widely misused that they are generally unhelpful in a policy context. In the public discourse about crime, people typically use “violent” and “nonviolent” as substitutes for *serious* versus *nonserious* criminal acts. That alone is a fallacy, but worse, these terms are also used as coded (often racialized) language to label individuals as inherently *dangerous* versus *non-dangerous*.

#### Offense categories might not mean what you think

To understand the main drivers of incarceration, the public needs to see how many people are incarcerated for different offense types. But the reported offense data oversimplifies how people interact with the criminal legal system in two important ways: it reports only one offense category per person, and it reflects the outcome of the legal process, obscuring important details of actual events.

First, when a person is in prison for multiple offenses, only the most serious offense is reported.<sup>(13)</sup> So, for example, there are people in prison for violent offenses who were also convicted of drug offenses, but they are included only in the “violent” category in the data. This makes it hard to grasp the complexity of criminal events, such as the role drugs may have played in violent or property offenses. We must

also consider that almost all convictions are the result of plea bargains, where people accused of a crime plead guilty to a lesser offense, possibly in a different category or one that they did not actually commit, in exchange for a more lenient sentence.

Secondly, many of these categories group together people convicted of a wide range of offenses. For violent offenses especially, these labels can distort perceptions of individual “violent offenders” and exaggerate the scale of dangerous, violent crime. Even the seemingly clear-cut offense of “murder” is applied to a variety of situations and individuals: it lumps together the small number of serial killers with people who participated in acts that are unlikely to ever happen again, either due to circumstance or age. “Murder” also includes acts that the average person may not consider to be murder at all. In particular, the felony murder rule says that if someone dies during the commission of a felony, everyone involved can be as guilty of murder as the person who directly caused the death. Many may be surprised that a person who was acting as a lookout during a break-in where someone was accidentally killed can be convicted of murder. <sup>14</sup>

We discuss this problem in more detail in The third myth: By definition, “violent crimes” involve physical harm.

In reality, state and federal laws apply the term “violent” to a surprisingly wide range of criminal acts — including many that don’t involve any physical harm. In some states, purse-snatching, manufacturing methamphetamines, and stealing drugs are considered violent crimes. Burglary is generally considered a property crime, but an array of state and federal laws classify burglary as a violent crime in certain situations, such as when it occurs at night, in a residence, or with a weapon present. So even if the building was unoccupied, someone convicted of burglary could be punished for a violent crime and end up with a long prison sentence and a “violent” record.

The common misunderstanding of what “violent crime” really refers to — a legal distinction that often has little to do with actual or intended harm — is one of the main barriers to meaningful criminal legal system reform. Reactionary responses to the *idea* of violent crime often lead policymakers to categorically exclude from reforms people convicted of *legally* “violent” crimes. But almost half (47%) of people in prison and jail are there for offenses classified as “violent,” so these carveouts end up gutting the impact of otherwise well-crafted policies. As we and many others have explained before, cutting incarceration rates to anything near international norms will be impossible without changing how we respond to violent crime. To start, we have to be clearer about what that loaded term really means.

### **The fourth myth: People in prison for violent or sexual crimes are too dangerous to be released**

Of course, many people convicted of violent offenses have caused serious harm to others. But how does the criminal legal system determine the risk that they pose to their communities? Again, the answer is too often “we judge them by their offense type,” rather



than “we evaluate their individual circumstances.” This reflects the particularly harmful myth that people who commit violent or sexual crimes are incapable of rehabilitation and thus warrant many decades or even a lifetime of punishment.

## Recidivism: A slippery statistic

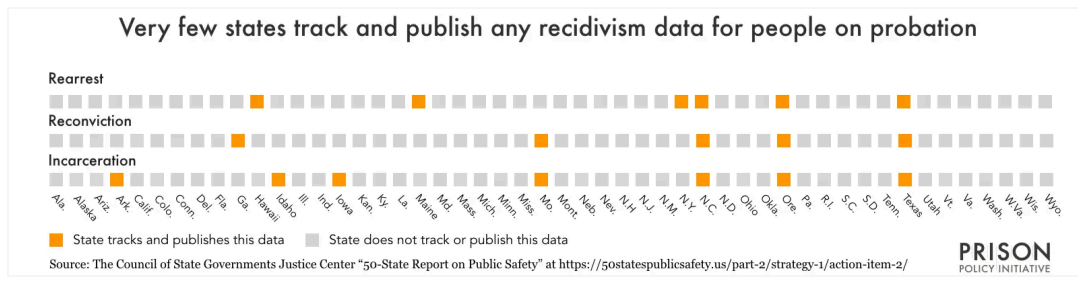
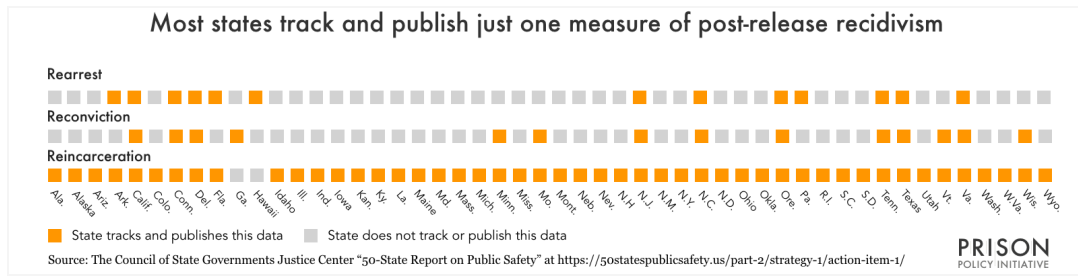
As long as we are considering recidivism rates as a measure of public safety risk, we should also consider how recidivism is defined and measured. While this may sound esoteric, this is an issue that affects an important policy question: at what point — and with what measure — do we consider someone’s reentry a success or failure?

The term “recidivism” suggests a relapse in behavior, a return to criminal offending. But what is a valid sign of criminal offending: self-reported behavior, arrest, conviction, or incarceration? Defining recidivism as rearrest casts the widest net and results in the highest rates, but arrest does not suggest conviction, nor actual guilt. More useful measures than rearrest include conviction for a new crime, re-incarceration, or a new sentence of imprisonment; the latter may be most relevant, since it measures offenses serious enough to warrant a prison sentence. Importantly, people convicted of violent offenses have the lowest recidivism rates by each of these measures. However, the recidivism rate for violent offenses is a whopping 48 percentage points higher when rearrest, rather than imprisonment, is used to define recidivism.

The cutoff point at which recidivism is measured also matters: If someone is arrested for the first time 5, 10, or 20 years after they leave prison, that’s very different from someone arrested within months of release. The most recent government study of recidivism over 10 years reported that 82% of people incarcerated in state prisons were arrested at some point in the 10 years following their release. However, the vast majority of people in this group were arrested within the first three years, and more than half within the first year. The longer the time period, the higher the reported recidivism rate — but the lower the actual threat to public safety.

A related question is whether the particular post-release offense matters. For example, 69% of people imprisoned for a violent offense are rearrested within five years of release, but only 33% are rearrested for another *violent* offense in that time; they are much more likely to be rearrested for a public order offense. If someone convicted of robbery is arrested years later for a liquor law violation, it makes no sense to view this very different, much less serious, offense the same way we would another arrest for robbery. Moreover, public order offenses often include “technical” violations, so in many states, recidivism statistics are inflated by these non-criminal infractions.

A final note about recidivism: while policymakers frequently cite reducing recidivism as a priority, few states collect the data that would allow them to monitor and improve their own performance in real time. For example, the Council of State Governments asked correctional systems what kind of recidivism data they collect and publish for people leaving prison and people starting probation. What they found is that states typically track just one measure of post-release recidivism, and few states track recidivism while on probation at all:



If state-level advocates and political leaders want to know if their state is even trying to reduce recidivism, we suggest one easy litmus test: Do they collect and publish basic data about the number and causes of people’s interactions with the justice system while on probation, or after release from prison?

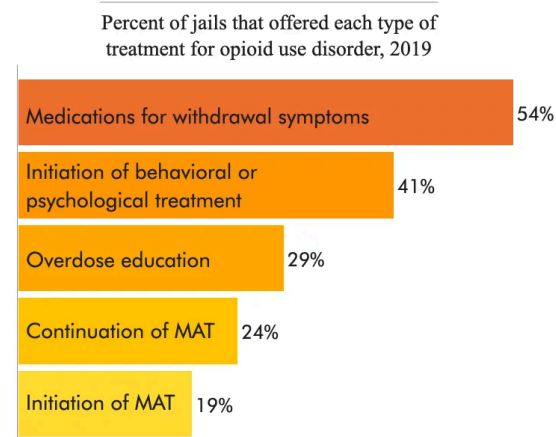
As lawmakers and the public increasingly agree that past policies have led to unnecessary incarceration, it’s time to consider policy changes that go beyond the low-hanging fruit of “non-non-nons” — people convicted of non-violent, non-serious, non-sexual offenses. Again, if we are serious about ending mass incarceration, we will have to change our responses to more serious and violent crime.

Recidivism data do not support the belief that people who commit violent crimes ought to be locked away for decades for the sake of public safety. People convicted of violent and sexual offenses are actually among the least likely to be rearrested, and those convicted of rape or sexual assault have rearrest rates 20% lower than all other offense categories combined. One reason for the lower rates of recidivism among people convicted of violent offenses: age is one of the main predictors of violence. The risk for violence peaks in adolescence or early adulthood and then declines with age, yet we incarcerate people long after their risk has declined. <sup>15</sup>

## The fifth myth: Some people need to go to jail to get treatment and services

It's absolutely true that people ensnared in the criminal legal system have a lot of unmet needs. But jails and prisons are no place to recover from a mental health crisis or substance use disorder — they are designed for punishment, not care. Local jails, especially, are filled with people who need medical care and social services, but jails consistently fail to provide these services. For example, while two-thirds of people in local jails have substance use disorders, only a tiny fraction of all jails provide medication-assisted treatment (MAT) for opioid use disorder — the gold standard for care. That means that rather than providing drug treatment, jails more often interrupt drug treatment by cutting patients off from their medications. Between 2000 and 2018, the number of people who died of intoxication while in jail increased by almost 400%; typically, these individuals died within just one day of admission. <sup>16</sup>

In jails, the most effective treatment options are the least accessible for people with opioid use disorder



Source: Bureau of Justice Statistics, *Opioid Use Disorder Screening and Treatment in Local Jails, 2019*, Table 5

Similarly, jails often put people with mental health problems in solitary confinement, provide limited access to counseling, and leave them unmonitored due to constant staffing shortages. The result: suicide is the leading cause of death in local jails, with death rates far exceeding those found in the general U.S. population. Given this track record, the trend of proposing new “mental health jails” to respond to decades of disinvestment in community-based services is particularly alarming. Jails are not safe detox facilities, nor are they capable of providing the therapeutic environment people require for long-term recovery and healing. Even when other options for providing mental health and substance use treatment are scarce, decisionmakers should not rely on correctional settings to do so.

## The sixth myth: Harsh punishments deter crime, making us safer

Many people mistakenly believe that long sentences, paired with austere and even brutal prison conditions, will have a deterrent effect on crime. But research has consistently found that harsher sentences do not work this way. In 2016, the National Institute of Justice summarized the research on deterrence, finding that prison sentences — and long sentences in particular — do little to deter future crime. <sup>17</sup> Another study concluded that, compared to punishments that don't involve prison or jail time, incarceration has either no effect or — even worse — a “mildly criminogenic impact” on future lawbreaking. In other words, incarceration is counterproductive: while a prison sentence can incapacitate a person in the short term, it actually increases the risk that someone will commit a crime after their release.

As counterintuitive as it may seem, the truth is that harsh punishments make everyone less safe. People face extremely poor living conditions in practically every jail and prison, which

negatively impacts their odds of success upon release, their families, and public health at large. The routine failure of corrections departments to provide for the medical needs of incarcerated people is harmful (even deadly) for those inside, and strains family resources and healthcare infrastructure after they're released — and nearly everyone *will* eventually be released. Poor nutrition compounds health problems, as does contaminated water, pests, and exposure to extreme heat and cold. The physical and psychological effects of incarceration, including the PTSD-like Post-Incarceration Syndrome, make it harder to maintain employment and housing, trapping people in cycles of incarceration. Put simply, when people are released from prison, their health and wellbeing are intertwined with that of the community, so the harms visited upon them inside impact everyone.

## The seventh myth: Crime victims support long prison sentences

Policymakers, judges, and prosecutors often invoke the name of victims to justify long sentences for violent offenses. But contrary to the popular narrative, most victims of violence want violence prevention, not incarceration. Again, harsh sentences don't deter violent crime, and many victims understand that incarceration can make people *more* of a public safety risk. National survey data show that most victims support violence prevention, social investment, and alternatives to incarceration that address the root causes of crime, not more investment in carceral systems that cause more harm.<sup>(18)</sup> This suggests that they care more about the health and safety of their communities than they do about retribution.



*Victims and survivors of crime prefer investments in crime prevention rather than long prison sentences.*

Moreover, people convicted of crimes are often victims themselves, complicating the moral argument for harsh punishments as “justice.” While conversations about justice tend to treat *perpetrators* and *victims* of crime as two entirely separate groups, people who engage in criminal acts are often victims of violence and trauma, too — a fact behind the adage that “hurt people hurt people.”<sup>(19)</sup> As victims of crime know, breaking this cycle of harm will require greater investments in communities, not the carceral system.

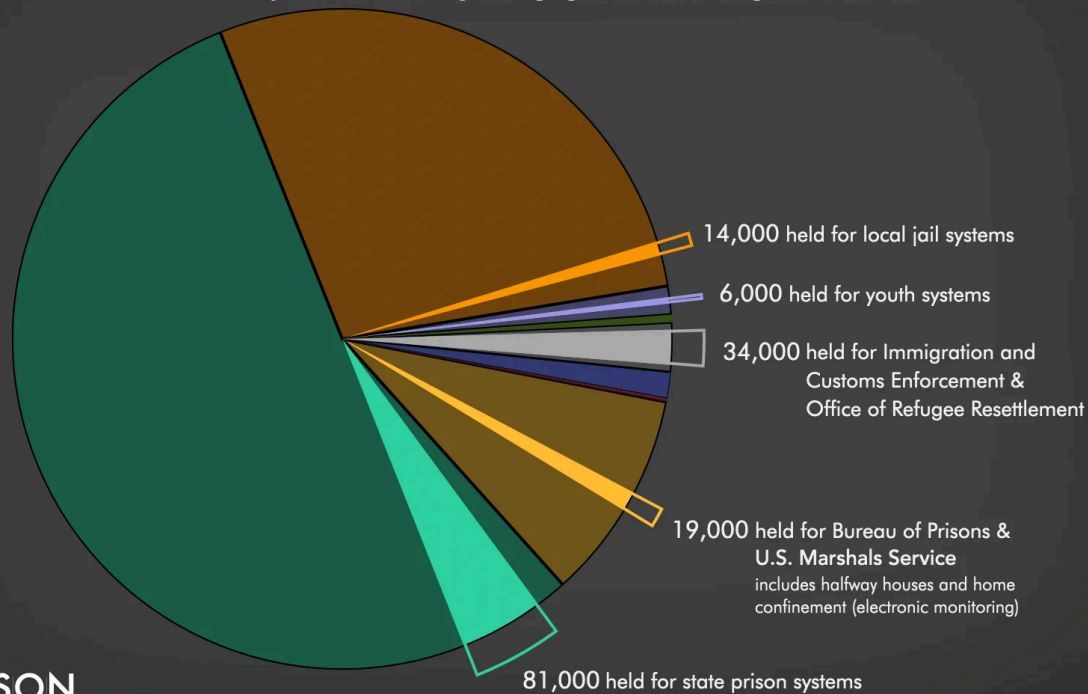
### **The eighth myth: Private prisons are the corrupt heart of mass incarceration**

In fact, just 8% of all incarcerated people are held in private prisons; the vast majority are in publicly-owned prisons and jails.<sup>(20)</sup> Some states have more people in private prisons than others, of course, and the industry *has* lobbied to maintain high levels of incarceration, but private prisons are essentially a parasite on the massive publicly-owned system — not the root of it.

Nevertheless, a range of private industries and even some public agencies continue to profit from mass incarceration. Many city and county jails rent space to other agencies, including state prison systems,<sup>(21)</sup> the U.S. Marshals Service, and Immigration and Customs Enforcement (ICE). Private companies are frequently granted contracts to operate prison food and health services (often so bad they result in major lawsuits), and prison and jail telecom and commissary functions have spawned multi-billion dollar private industries. By privatizing services like phone calls, medical care, and commissary, prisons and jails are offloading the costs of incarceration onto incarcerated people and their families, trimming their budgets at an unconscionable social cost.

## Only 8% of confined people are held in private prisons

Mass incarceration is driven by government policy and spending, but the private companies that contract for just 8% of all beds get a disproportionate share of public attention.



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Sources and data notes: [www.prisonpolicy.org/reports/pic2025.html](http://www.prisonpolicy.org/reports/pic2025.html)

*Private prisons and jails hold just 8% of all incarcerated people, making them a relatively small part of a mostly publicly-run correctional system.*

### The ninth myth: Prisons are “factories behind fences” that exist to provide companies with a huge slave labor force

Simply put, private companies using prison labor are not what stands in the way of ending mass incarceration, nor are they the source of most prison jobs. Only about 4,400 people in prison — less than 1% — are employed by private companies through the federal PIECP program, which requires them to pay at least minimum wage before deductions. (A larger portion work for state-owned “correctional industries,” which pay much less, but this still only represents about 6% of people incarcerated in state prisons.)<sup>(22)</sup>

But prisons do rely on the labor of incarcerated people for food service, laundry, and other operations, and they pay incarcerated workers appallingly low wages: our 2017 study found that on average, incarcerated people earn between 86 cents and \$3.45 *per day* for the most common prison jobs.<sup>(23)</sup> In at least five states, those jobs pay nothing at all. Moreover, work in prison is compulsory, with little regulation or oversight, and incarcerated workers have few rights and protections. If they refuse to work, incarcerated people face disciplinary action. For those who do work, the paltry wages they receive often go right back to the prison, which charges them for basic necessities like medical visits and hygiene items. Forcing people to work for low or no pay and no benefits, while charging them for necessities, allows prisons to shift the costs of incarceration to incarcerated people — hiding the true cost of running prisons from most Americans.



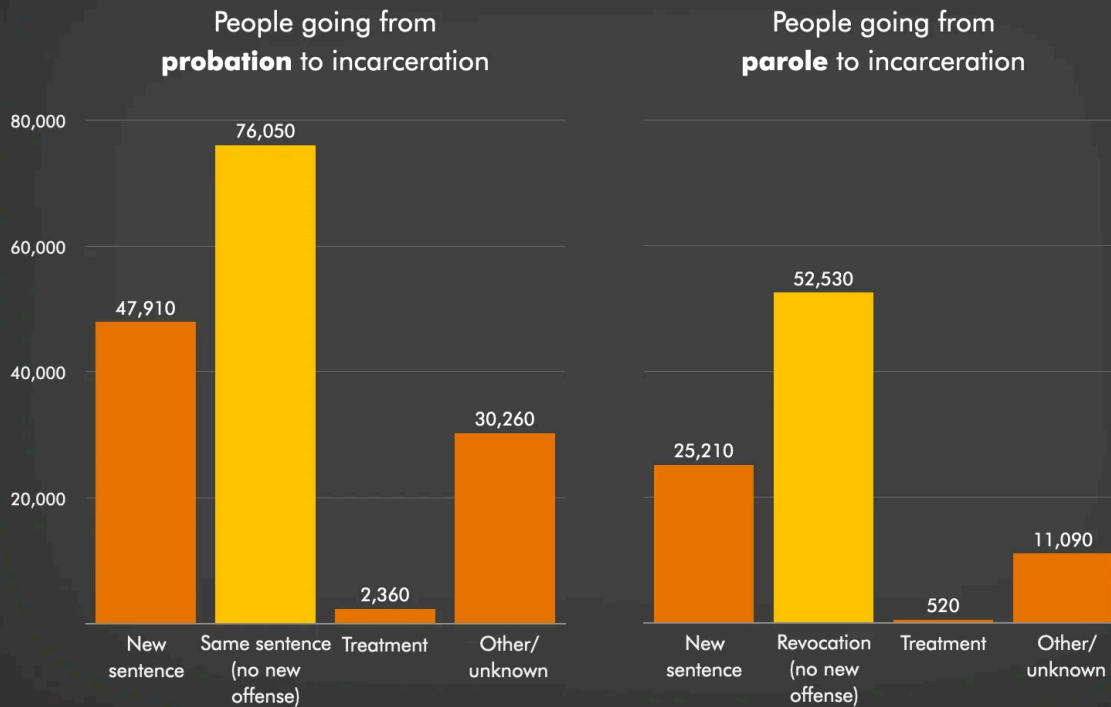
## The tenth myth: Expanding community supervision – including electronic monitoring – is the best way to reduce incarceration

Community supervision, which includes probation, parole, and pretrial supervision, is often seen as a “lenient” punishment or as an ideal “alternative” to incarceration. But while remaining in the community is generally preferable to being locked up, the conditions<sup>(24)</sup> imposed on those under supervision are often so restrictive that they set people up to fail.<sup>(25)</sup> Long supervision terms, numerous and burdensome requirements, and constant surveillance result in frequent “failures,” often for minor infractions like breaking curfew or failing to pay unaffordable supervision fees.

At last count, at least 128,000 people were incarcerated for such non-criminal “technical violations” of probation or parole.<sup>(26)</sup> These supervision violations accounted for 27% of all admissions to state and federal prisons. In fact, the Bureau of Justice Statistics found that almost a quarter (24%) of people in state prisons were on probation at the time of their arrest, underscoring how this “alternative to incarceration” often simply *delays* incarceration.

In addition to delaying incarceration, newer methods of community supervision actually replicate the experience so closely that they amount to “e-carceration” or “electronic prisons.”<sup>(27)</sup> The use of technologies like electronic monitoring, in particular — whether via ankle shackle, phone app, or other technology — has exploded in recent years, especially in the contexts of pretrial supervision and immigration enforcement.<sup>(28)</sup> Proponents argue the technology improves court compliance and public safety, but a recent study found the practice accomplishes neither of these goals. The technology is unreliable, frequently vulnerable to security breaches and false alarms, and it has created yet another path to incarceration via technical violations.<sup>(29)</sup> Like probation before it, electronic monitoring is touted as an “alternative” to incarceration, but in reality it is an expansion of correctional control, not a viable way to reduce the number of people behind bars.

## Non-criminal (or "technical") violations are the main reason for incarceration of people on probation and parole

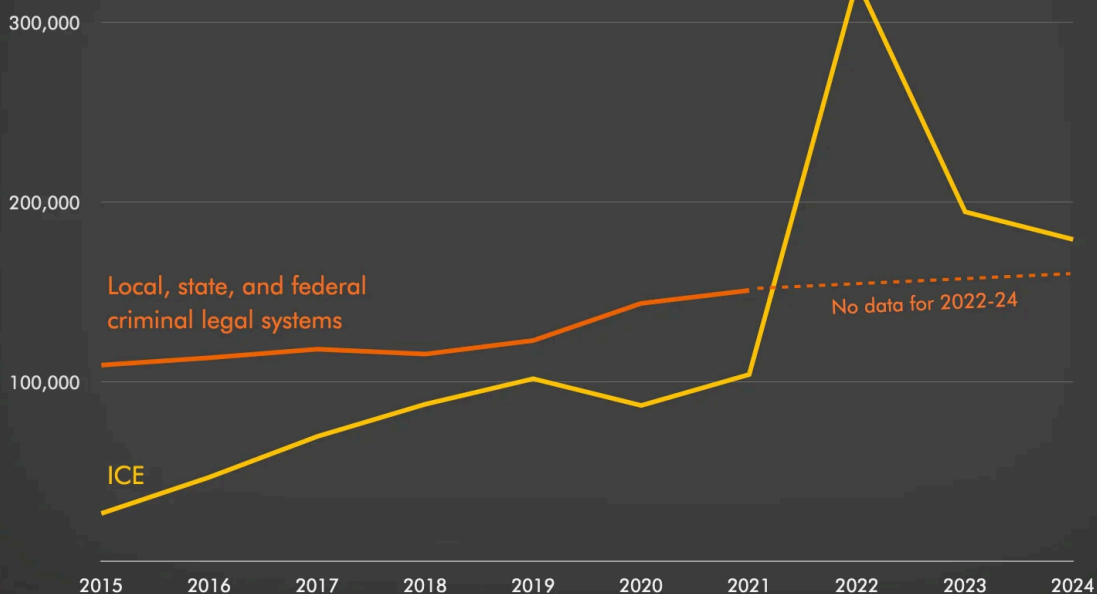


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Source: Bureau of Justice Statistics, *Probation and Parole in the U.S. 2022*, Appendix tables 7 and 11

## The growth of electronic monitoring for the criminal legal and immigration systems, 2015-2024

Average daily population on any form of electronic monitoring, including voice reporting, GPS ankle monitors, and smartphone and smartwatch apps

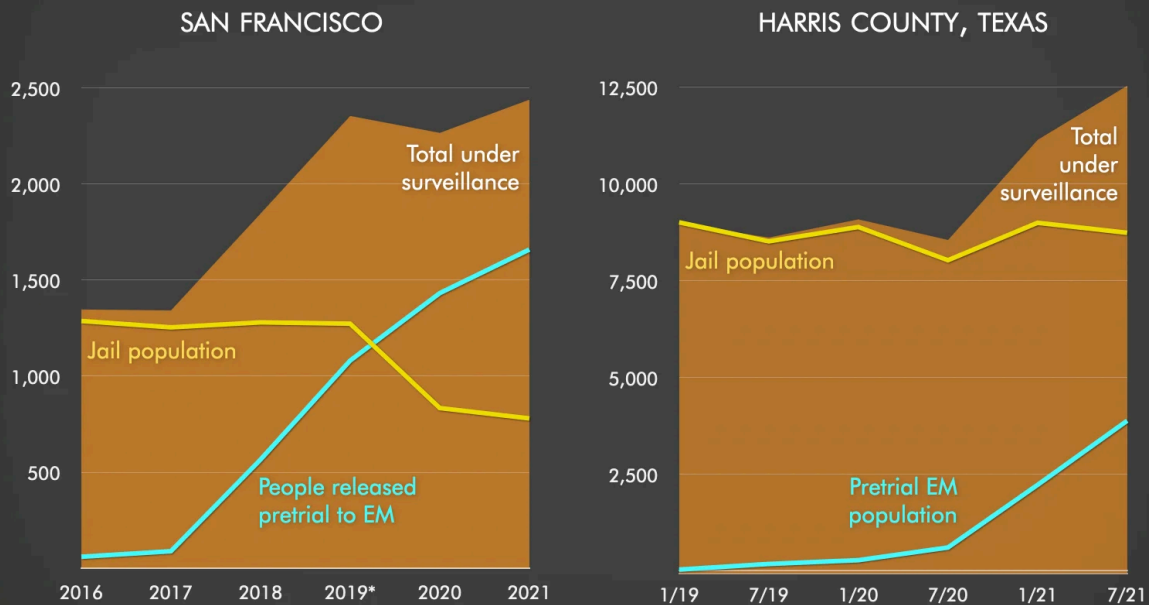


Sources: Vera Institute of Justice, *People on Electronic Monitoring (2024)*, Table 1 & Immigration and Customs Enforcement, *FY 2024 Detention Statistics*

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## Electronic monitoring doesn't reduce jail populations

While proponents tout electronic monitoring (EM) as an “alternative” to jail or prison, the increased use of EM has not been accompanied by an equal reduction in jail populations. Instead, it has increased the total number of people surveilled.



\* The drop in the jail population in 2019 largely reflects the closure of one county jail.

Sources: California Board of State and Community Corrections Jail Population Trends (March 27, 2023), Table 41; California Policy Lab's *Pretrial Electronic Monitoring in San Francisco* (2022); Harris County's Jail Population History webpage; and "Harris County electronic monitor population skyrockets to nearly 4,000," as reported by Mario Diaz in *Click2Houston* (2021).

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*Slideshow 4. Swipe for more details about how community supervision and electronic monitoring can lead to more incarceration.*

## The high costs of low-level offenses

Most people in the U.S. criminal legal system are not accused of serious crimes; more often, they are charged with misdemeanors or non-criminal violations. Yet even low-level offenses, like technical violations of probation and parole, can lead to incarceration and other serious consequences. Rather than investing in community-driven safety initiatives, cities and counties are still pouring vast amounts of public resources into the processing and punishment of these minor offenses.

### Misdemeanors: Minor offenses with major consequences

The “massive misdemeanor system” in the U.S. is an important but overlooked contributor to overcriminalization and mass incarceration. For behaviors as benign as jaywalking or sitting on a sidewalk, an estimated 13 million misdemeanor charges sweep droves of Americans into the criminal legal system each year (and that’s excluding civil violations and speeding). These low-level offenses, along with other non-felony offenses, typically account for about 25% of the daily jail population nationally, and much more in some states and counties. The rampant criminalization of homelessness and aggressive enforcement of these laws — almost all misdemeanors — also contributes to harmful and costly cycles of homelessness and incarceration.

Misdemeanor charges may sound trivial, but they carry serious financial, personal, and social costs, especially for the accused but also for broader society, which finances the processing

of these court cases and all of the unnecessary incarceration that comes with them. And then there are the moral costs: People charged with misdemeanors are often not appointed counsel and are pressured to plead guilty and accept a probation sentence to avoid jail time. This means that innocent people routinely plead guilty and are then burdened with the many collateral consequences that come with a criminal record, as well as the heightened risk of future incarceration for probation violations. A misdemeanor system that pressures innocent people to plead guilty seriously undermines American principles of justice.

## **Probation & parole violations and “holds” lead to unnecessary incarceration**

Another driver of mass incarceration that is often overlooked are the various “holds” that keep people behind bars for administrative reasons. A common example is when people on probation or parole are jailed for violating their supervision, either for a new crime or a non-criminal (or “technical”) violation. If a parole or probation officer suspects that someone has violated supervision conditions, they can file a “detainer” (or “hold”), rendering that person ineligible for release on bail. For people struggling to rebuild their lives after conviction or incarceration, returning to jail for a minor infraction can be profoundly destabilizing. The most recent data show that nationally, almost 1 in 5 (19%) people in jail are there for a violation of probation or parole, though in some places these violations or detainers account for over one-third of the jail population. This problem is not limited to local jails, either; in 2019, the Council of State Governments found that nearly 1 in 4 people in state prisons are incarcerated as a result of supervision violations.

A particularly disturbing type of “hold” is becoming increasingly common: people held in jails while awaiting transfer to psychiatric facilities. One recent study reports that “thousands of [people] with serious mental illness languish in jail for months, or even years, waiting for a state hospital bed to open.”<sup>(30)</sup> Typically, these vulnerable adults are in need of evaluation or restoration of their competency to stand trial. But being held in jails puts them at heightened risk of victimization, self-harm, and even additional criminal charges for behaviors that are actually symptoms of their illness. The result of disinvestment in mental health infrastructure and the criminalization of mental illness, these “holds” are not only unnecessary, but unconscionable.

## **“Low-level fugitives” live in fear of incarceration for missed court dates and unpaid fines**

People accused of crimes can end up in jail even if their alleged offense is not punishable with jail time. Why? Because if a person fails to appear in court or to pay fines and fees, the judge can issue a “bench warrant” for their arrest, directing law enforcement to jail them in order to bring them to court. While there is currently no national estimate of the number of active bench warrants, their use is widespread and, in some places, incredibly common. In Monroe County, N.Y., for example, over 3,000 people have an active bench warrant at any time, more than 3 times the number of people in the county jails.

But bench warrants are often unnecessary. Most people who miss court are not trying to avoid the law; more often, they forget, are confused by the court process, or have a schedule conflict. Once a bench warrant is issued, however, people frequently end up living as “low-

level fugitives,” quitting their jobs, becoming transient, and/or avoiding public life (even hospitals) to avoid having to go to jail.

## Lessons from the smaller “slices”: Youth, immigration, and involuntary commitment

Looking more closely at incarceration by offense type also exposes some disturbing facts about the 34,000 youth in confinement in the United States: too many are there for a “most serious offense” that is **not even a crime**. For example, there are 3,000 youth behind bars for non-criminal violations of their probation rather than for a new offense. An additional 800 youth are locked up for “status” offenses, which are “behaviors that are not law violations for adults such as running away, truancy, and incorrigibility.”<sup>(31)</sup> About 1 in 12 youth held for a criminal or delinquent offense is locked in an adult jail or prison, and most of the others are held in juvenile facilities that look and operate a lot like prisons and jails.

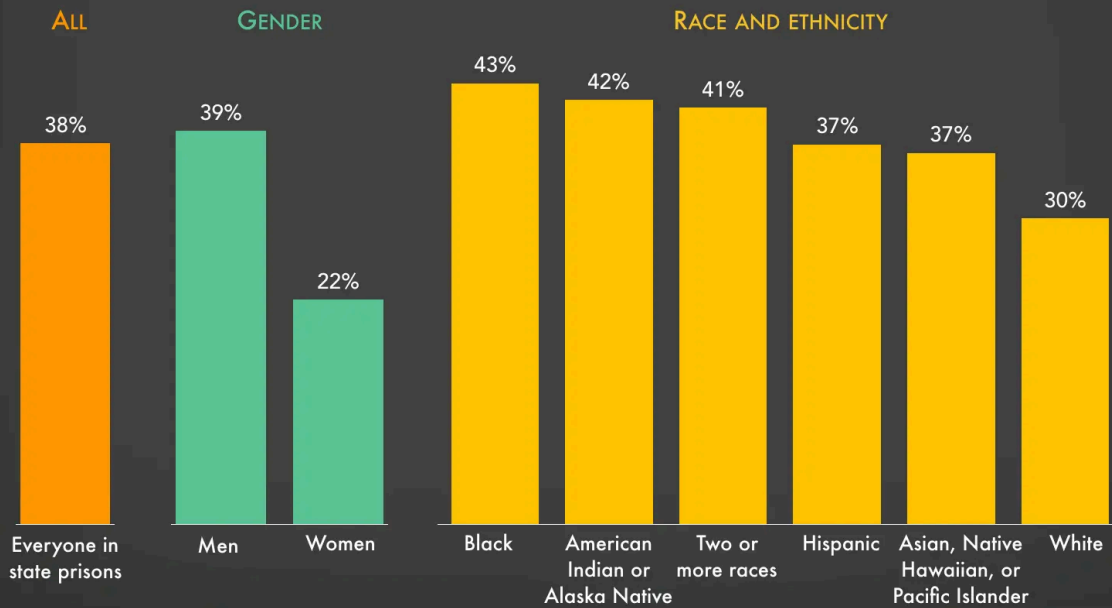
We also know that for many children, legal system involvement overlaps with other kinds of “systems” involvement, such as the child welfare system: almost half of youth in foster care have an encounter with the criminal legal system by age 17. The criminalization of youth is apparent in the adult prison population: more than one-third (38%) of people in state prisons were first arrested before they turned 16.



# More than 1 in 3 people in state prison were first arrested before their 16th birthday

Percent first arrested at age 15 or younger, by self-reported gender, race, and ethnicity

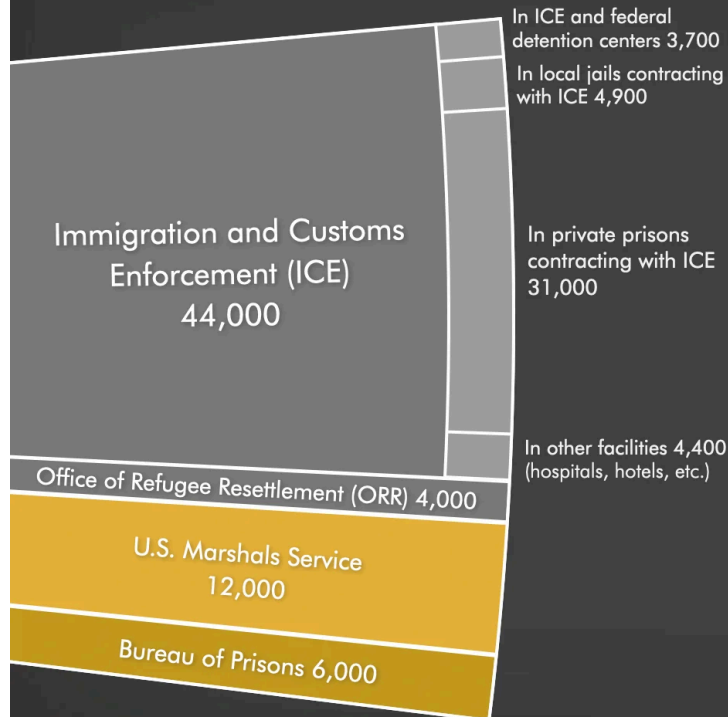
## FIRST ARREST AT AGE 15 OR YOUNGER



Source: Bureau of Justice Statistics' *Survey of Prison Inmates, 2016* data analyzed by the Prison Policy Initiative

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# Almost 67,000 people are confined for immigration reasons



ICE is detaining more people than it has since 2019, and the agency has even more rapidly expanded its use of electronic monitoring.

ICE has rapidly expanded its electronic monitoring "Alternatives to Detention" program, which is now much larger than ICE's confined population ever was. ICE now regularly surveils and detains well over 200,000 people on any given day — over four times as many as it did in 2015.

Meanwhile, ORR holds thousands of children seeking asylum

After entering the country alone, these children are apprehended by immigration enforcement and turned over to the Office of Refugee Resettlement's custody to await placement.

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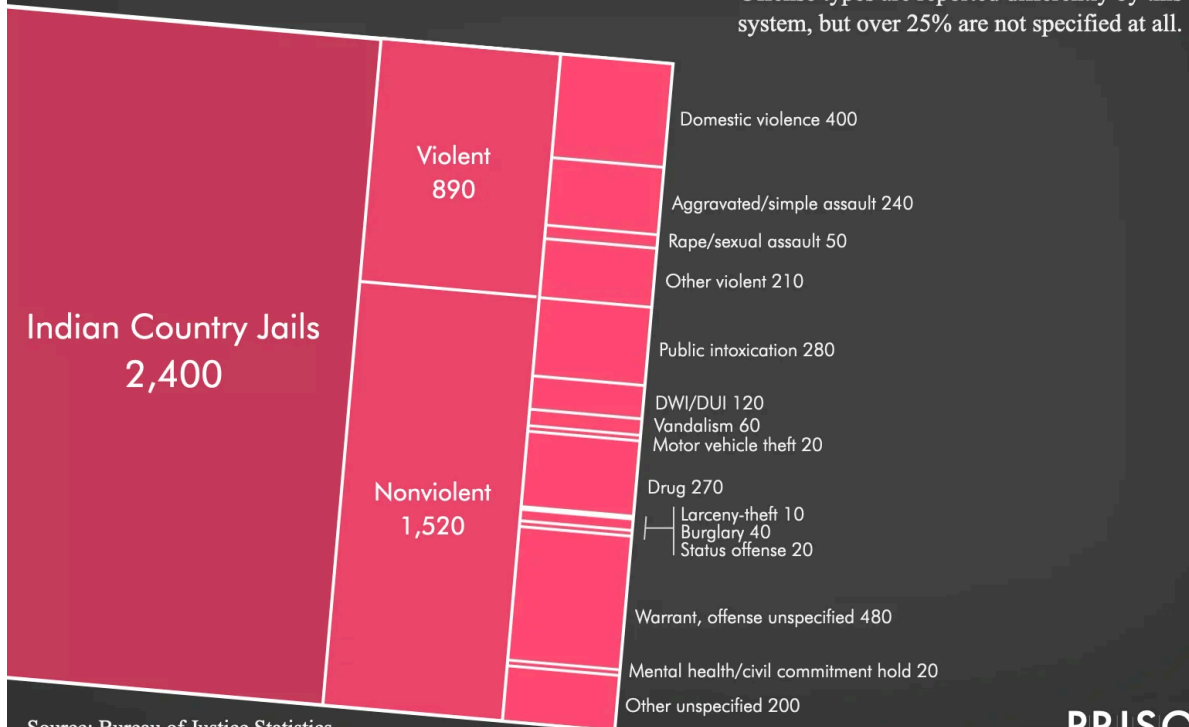
# Psychiatric facilities confine 25,000 people every day for criminal legal system involvement

An under-discussed part of the criminal legal system: involuntary commitment and detention in state psychiatric hospitals and civil commitment centers



# Most people in Indian Country jails are locked up for property, drug, and public order charges

Offense types are reported differently by this system, but over 25% are not specified at all.



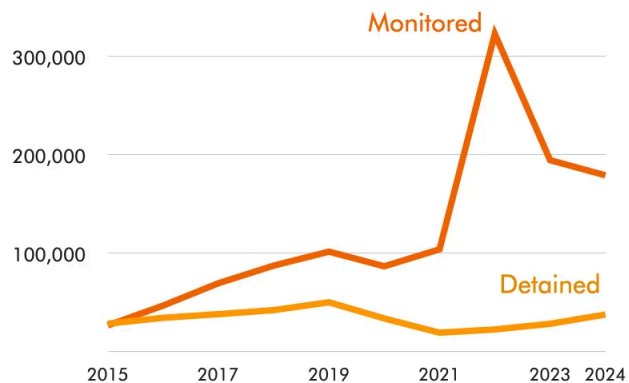
Source: Bureau of Justice Statistics, *Jails in Indian Country, 2023, Table 6*

Turning to the people who are locked up criminally and civilly for **immigration-related reasons**, we find that over 6,000 people are in federal prisons for criminal convictions of immigration offenses, and 12,000 more are held pretrial or presentence by the U.S. Marshals Service. The vast majority of people incarcerated for criminal immigration offenses are accused of illegal entry or illegal reentry — in other words, for no more serious offense than crossing the border without permission. <sup>(32)</sup>

Another 44,000 people are civilly detained by U.S. Immigration and Customs Enforcement (ICE) not for any crime, but simply because they are facing deportation. <sup>(33)</sup> People detained by ICE are physically confined in federally-run or privately-run immigration detention facilities, or in local jails under contract with ICE. ICE has also very rapidly expanded its overall surveillance and control over the non-criminal migrant population by growing its electronic monitoring-based “alternatives to detention” program. <sup>(34)</sup>

### The rapid expansion of ICE’s electronic monitoring program

While the number of people ICE detains on a given day has increased, far more people are now monitored by ICE through its “Alternatives to Detention” program



An additional 4,000 **unaccompanied children** are held in the custody of the Office of Refugee Resettlement (ORR), awaiting placement with parents, family members, or friends. While these children are not held for any criminal or delinquent offense, most are held in shelters or even juvenile placement facilities under detention-like conditions. <sup>(35)</sup>

Adding to the universe of people who are confined because of criminal legal system involvement, 25,000 people are **involuntarily committed** in state psychiatric hospitals and civil commitment centers. <sup>(36)</sup> <sup>(37)</sup> Many of these people are not even convicted, and some are held indefinitely. These “forensic patients” include people being evaluated or treated for incompetency to stand trial, as well as those found not guilty by reason of insanity or guilty but mentally ill, who may remain hospitalized for decades or for life. <sup>(38)</sup> Roughly 6,000 are people convicted of sex-related crimes who are involuntarily committed or detained after their prison sentences are complete. While the facilities they are held in aren’t typically run by departments of correction, they are in reality much like prisons. Meanwhile, at least 38 states allow involuntary commitment for substance use disorder treatment, and in many cases, people are sent to actual prisons and jails, which are inappropriate places for treatment. <sup>(39)</sup>

## Beyond the “Whole Pie”: Community supervision, poverty, age, and race and gender disparities

Once we have wrapped our minds around the “whole pie” of mass incarceration, we should zoom out and note that people who are incarcerated are only a fraction of those impacted by the criminal legal system. There are another 671,000 people on parole and a staggering 2.9 million people on probation. Many millions more have completed their sentences but are still living with a criminal record, a stigmatizing label that comes with collateral consequences such as barriers to employment and housing.



*Far more people are impacted by mass incarceration than the 2 million currently confined. An estimated 19 million people are burdened with the collateral consequences of a felony conviction (this includes those currently and formerly incarcerated), and an estimated 79 million have a criminal record of some kind; even this is likely an underestimate, leaving out many people who have been arrested for misdemeanors. Finally, [FWD.us](#) reports that 113 million adults (45%) have had an immediate family member incarcerated for at least one night.*

Beyond identifying how many people are impacted by the criminal legal system, we should also focus on **who is most impacted and who is left behind** by policy change. Poverty, for example, plays a central role in mass incarceration. People in prison and jail are disproportionately poor compared to the overall U.S. population. <sup>(40)</sup> The criminal legal system punishes poverty, beginning with the high price of money bail: The median felony bail bond amount (\$10,000) is the equivalent of 8 months’ income for the typical person in jail because they can’t afford a bail bond. As a result, people with low incomes are more likely to face the harms of pretrial detention. Poverty is not only a predictor of incarceration;

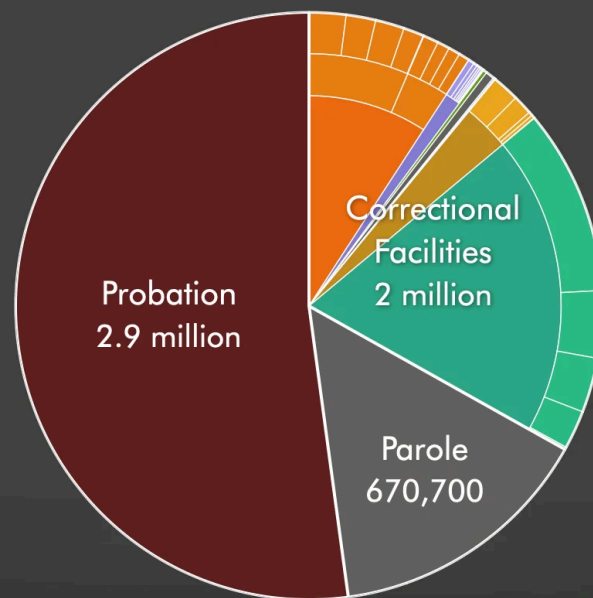
it is also frequently the outcome, as a criminal record and time spent in prison destroys wealth, creates debt, initiates or perpetuates cycles of homelessness, and decimates job opportunities.<sup>(41)</sup>

It's no surprise that people of color — who face much greater rates of poverty — are dramatically overrepresented in the nation's prisons and jails. These racial disparities are particularly stark for Black Americans, who make up 41% of the prison and jail populations but only 14% of all U.S. residents.<sup>(42)</sup> The same is true for women, whose incarceration rates have for decades risen faster than men's, and who are often behind bars because of financial obstacles such as an inability to pay bail. As policymakers continue to push for reforms that reduce incarceration, they should avoid changes that will widen disparities, as has happened with juvenile confinement and with women in state prisons.

Finally, while states have made progress in reducing youth confinement — due to developments in adolescent brain research, mounting evidence that confinement leads to worse outcomes, and dogged advocacy to protect youth — the elder population in prison has only grown. Many are stuck serving excessively long sentences, despite the evidence that their incarceration is both extremely costly and unnecessary to ensure public safety.

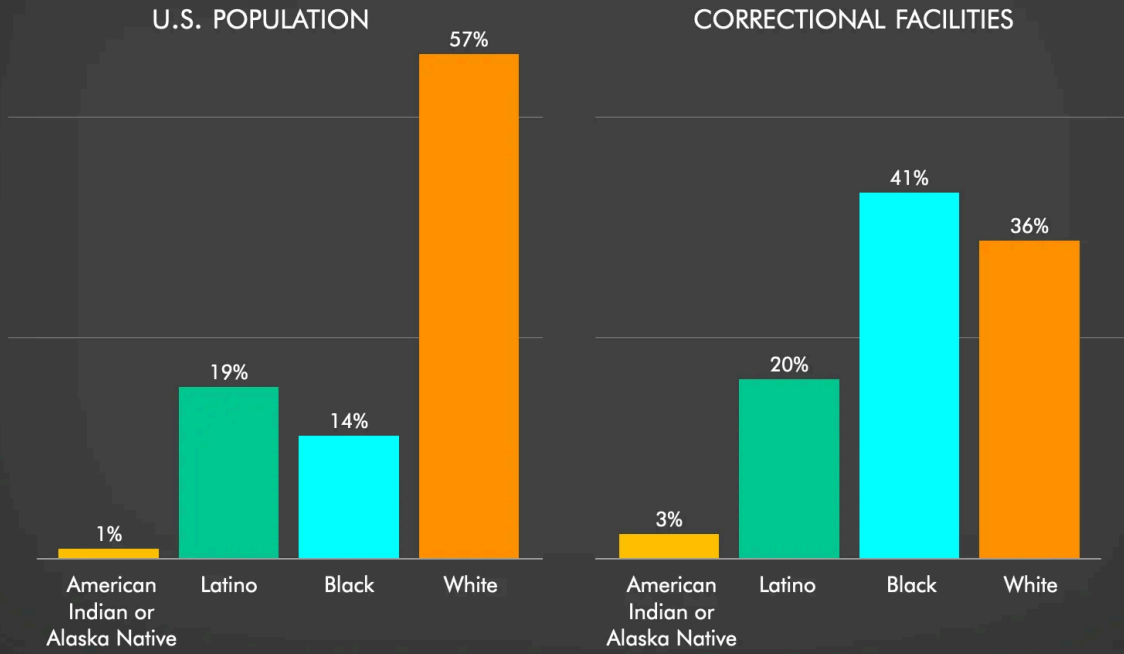
## Incarceration is just one piece of the much larger system of correctional control

The U.S. justice system controls over 5.5 million people, more than half of whom are on probation.



# Racial and ethnic disparities in correctional facilities

White people are underrepresented in prisons and jails while Black and American Indian or Alaska Native people are overrepresented.

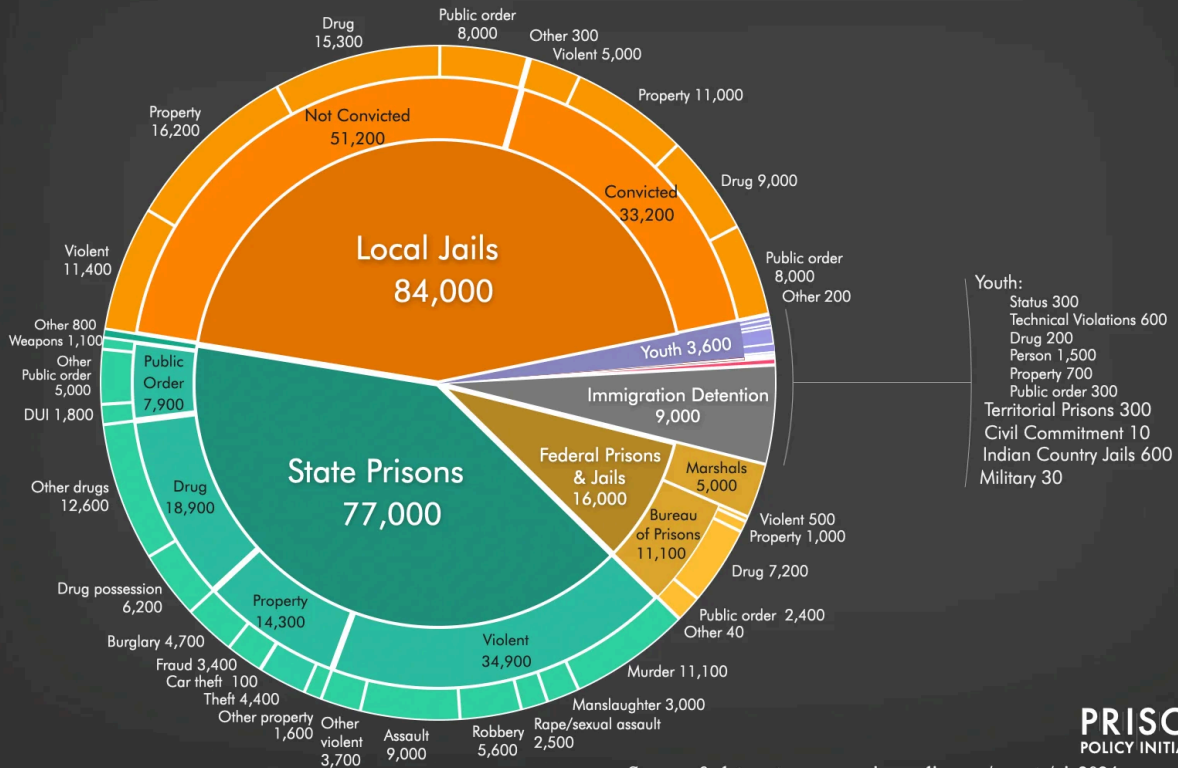


Source: U.S. Census Bureau, American Community Survey 2023 1-Year Estimates, Table S2603  
For category definition and selection details, see [www.prisonpolicy.org/reports/pie2025.html#methodology](http://www.prisonpolicy.org/reports/pie2025.html#methodology)

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# How many women are locked up in the United States?

The United States is one of the top incarcerators of women in the world. Changing that will require knowing where the 191,000 incarcerated women fall within our decentralized and overlapping systems of mass incarceration.

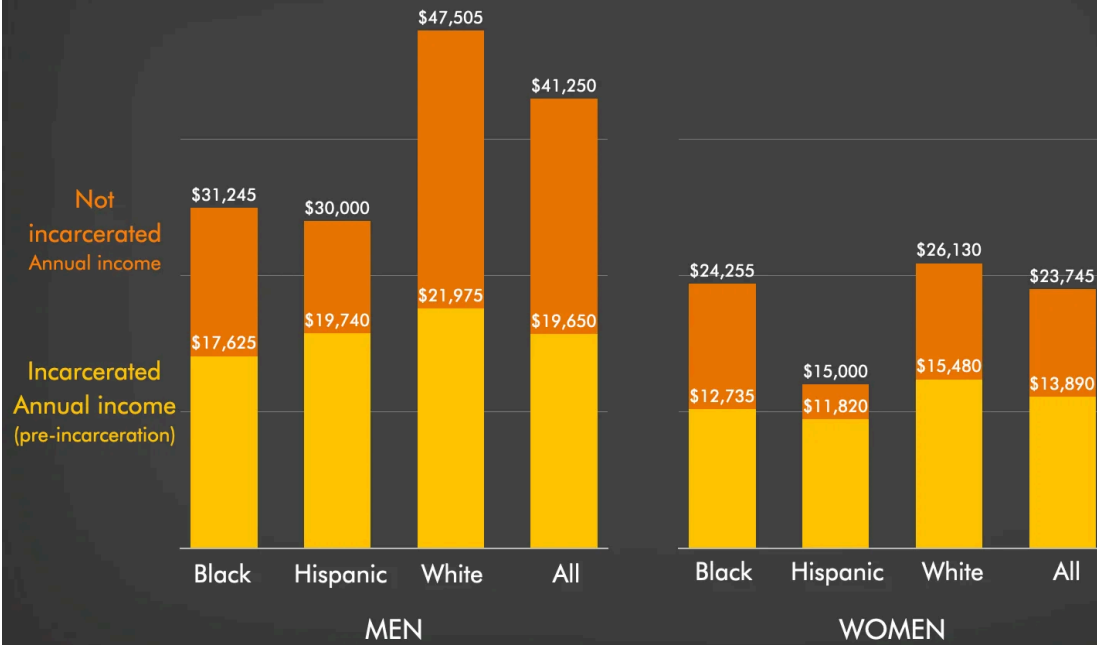


Sources & data notes: [www.prisonpolicy.org/reports/pie2024women.html](http://www.prisonpolicy.org/reports/pie2024women.html)

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## Most people in prison are poor, and the poorest are women and people of color

Median annual pre-incarceration incomes for people in state prisons ages 27-42, compared to incomes of same-age non-incarcerated people, by race/ethnicity and gender (in 2014 dollars)

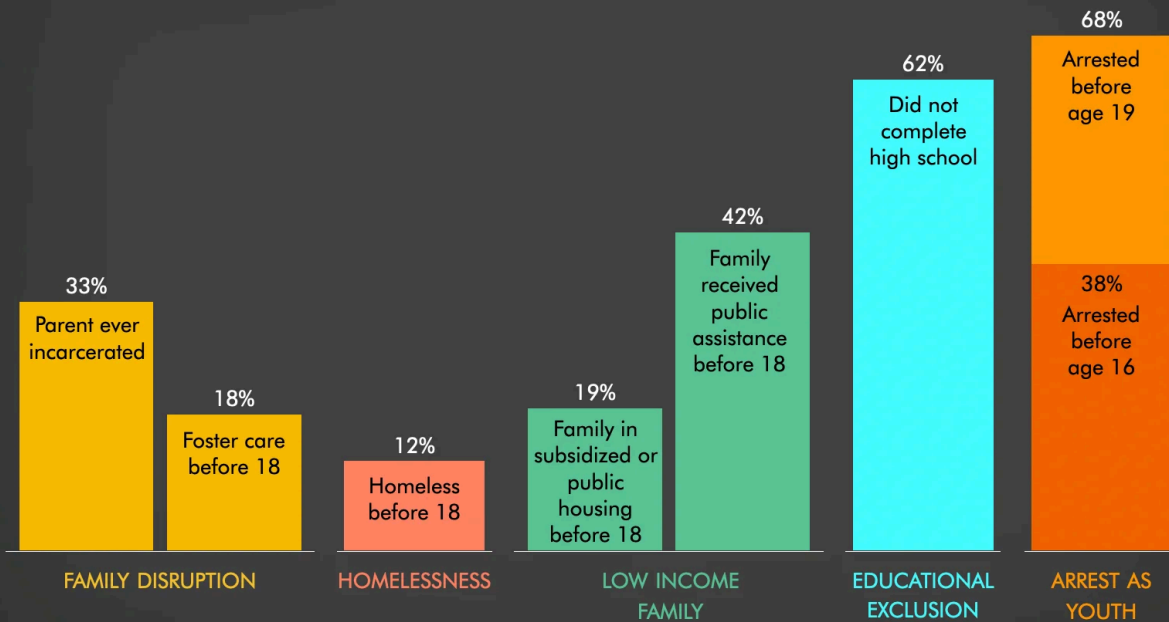


Compiled by the Prison Policy Initiative. For detailed data notes, see [www.prisonpolicy.org/reports/income.html](http://www.prisonpolicy.org/reports/income.html)

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## Many people in state prisons grew up facing serious family, housing, economic, and educational challenges

Instead of receiving support, most were criminalized as kids.



Source: Bureau of Justice Statistics' *Survey of Prison Inmates, 2016* data analyzed by the Prison Policy Initiative

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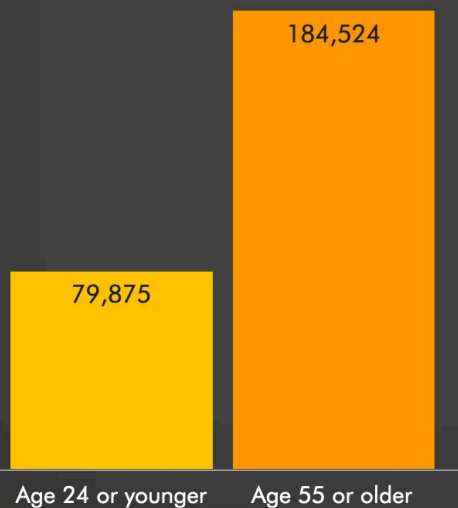


# The youngest and oldest people in prison

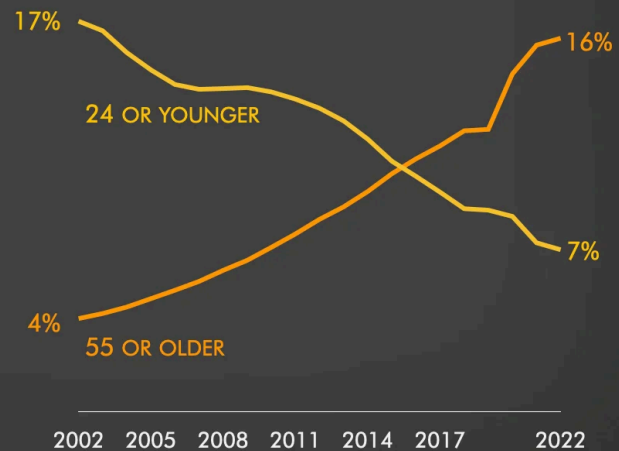
Over a quarter million people in state and federal prisons are either so young that they are not yet fully developmentally mature *or* old enough to pose little risk to public safety if released.

And while the share of young people in state prisons has fallen over the past 20 years, the costly “graying” of prisons continues — the result of excessively long sentences.

PEOPLE IN STATE AND FEDERAL PRISONS, 2022



SHARE OF PEOPLE IN PRISON  
24 OR YOUNGER & 55 OR OLDER, BY YEAR



Sources: Bureau of Justice Statistics, *Mortality in Correctional Institutions, 2001-2019* Appendix Table 1 & *Prisoners* series, Tables 10 and 15

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## Necessary reforms

Equipped with the full picture of how many people are locked up in the United States, where, and why, we all have a better foundation for moving the conversation about criminal legal system reform forward. For example, the data make it clear that ending the war on drugs will not alone end mass incarceration, though the federal government and some states have taken an important step by reducing the number of people incarcerated for drug offenses. Looking at the “whole pie” of mass incarceration opens up conversations about where it makes sense to focus our energies at the local, state, and national levels. For example:

- How can we effectively invest in communities to make it less likely that someone comes into contact with the criminal legal system in the first place? And what measures can help aid successful reentry and end the vicious cycle of re-incarceration that so many individuals and families experience?
- Can we persuade government officials and prosecutors to revisit the reflexive, simplistic policymaking that has served to increase incarceration for “violent” offenses? How can we eliminate policy “carveouts” that exclude broad categories of people from reforms and end up gutting the impact of reforms?
- What will it take to embolden policymakers and the public to do what it takes to shrink the second largest slice of the pie — the thousands of local jails? And what will it take to redirect public spending to smarter investments like community-based drug treatment and job training?

- While the federal prison system is a small slice of the total pie, how can improved federal policies and financial incentives be used to advance state and county-level reforms? And for their part, how can elected sheriffs, district attorneys, and judges — who all control larger shares of the correctional pie — slow the flow of people into the criminal legal system?
- Given that the companies with the greatest impact on incarcerated people are not private prison operators, but service providers that contract with public facilities, how can governments end contracts that squeeze money from those behind bars and their families?
- What reforms can we implement to both reduce the number of people incarcerated in the U.S. and the well-known racial and ethnic disparities in the criminal legal system?
- What lessons can we learn from the pandemic? Are federal, state, and local governments prepared to respond to future pandemics, epidemics, natural disasters, and other emergencies, including with plans to decarcerate? And how can states and the federal government better utilize compassionate release and clemency powers moving forward?

The United States has the dubious distinction of having the highest incarceration rate of any independent democracy on earth. Looking at the big picture of the 2 million people locked up in the United States on any given day, we can see that **something needs to change**. Both policymakers and the public have the responsibility to carefully consider each individual slice of the carceral “pie” and ask whether legitimate social goals are served by putting each group behind bars, and whether any benefit really outweighs the social and fiscal costs.

Even narrow policy changes, such as ending incarceration for “technical” violations, can meaningfully reduce our society’s use of incarceration. At the same time, we should be wary of proposed reforms that seem promising but will have only minimal effect, because they simply transfer people from one slice of the correctional “pie” to another or needlessly exclude broad swaths of people. Keeping the big picture in mind is critical if we hope to develop strategies that actually shrink the “whole pie.”

## Data sources & methodology

This section covers a lot of ground, from why we attempt to piece together the data ourselves in the first place to where we source the data and how we adjust it to make the various pieces fit together. Read on to learn:

- Why we — and not the government — compile the data ↘
- Which data sources we relied on for state and federal prisons and local jail populations ↘
- Which data sources we used for the smaller slices of the “pie”: youth, immigration, involuntary commitments, U.S. territories, Indian Country jails, and the military ↘
- How we calculated the broader “pie” of correctional control, including probation and parole systems ↘
- How we determined the number of private facilities ↘
- How we adjusted the data to make sure people were only counted once ↘



- What data we used to make our racial disparities graph — and why ↘

People new to criminal legal issues might reasonably expect that a big picture analysis like this would be produced not by advocates, but by the criminal legal system itself. The unfortunate reality is that there isn't one centralized system to do such an analysis. Instead, even thinking just about adult corrections, we have a federal system, 50 state systems, 3,000+ county systems, 25,000+ municipal systems, and so on. Each of these systems collects data for its own purposes that may or may not be compatible with data from other systems and that might duplicate or omit people counted by other systems.

This isn't to discount the work of the Bureau of Justice Statistics, which, despite limited resources, undertakes the Herculean task of organizing and standardizing the data on correctional facilities. And it's not to say that the FBI doesn't work hard to aggregate and standardize police arrest and crime report data. But the fact is that the local, state, and federal agencies that carry out the work of the criminal legal system — and are the sources of BJS and FBI data — weren't set up to answer many of the simple-sounding questions about the “system.”

Similarly, there are systems of confinement that might not consider themselves part of the criminal legal system, but should be included in a holistic view of incarceration. Juvenile justice, immigration detention, civil commitment of people with sex-related convictions, and involuntary commitment to psychiatric hospitals for criminal legal system involvement are examples of this broader universe of confinement that is often ignored. The “whole pie” incorporates data from these systems to provide the most comprehensive view of incarceration possible.

To produce this report, we took the most recent data available for each part of these systems, and, where necessary, adjusted the data to ensure that each person was only counted once, only once, and in the right place. ↗

## Data sources

This report uses the most recent data available on the number of people in various types of facilities and the most significant charge or conviction. Because the various systems of confinement collect and report data on different schedules, this report reflects population data collected between 2019 and 2025. Furthermore, because not all types of data are updated each year, we sometimes had to calculate estimates; for example, we applied the percentage distribution of offense types from the previous year to the current year's total count data. For this reason, we chose to round most labels in the graphics to the nearest thousand, except where rounding to the nearest ten, nearest one hundred, or the nearest 500 was more informative given the context. This rounding process may also result in some parts not adding up precisely to the total.

Our data sources were:

- **State prisons:** Bureau of Justice Statistics, Prisons Report Series: Preliminary Data Release, 2023 Table 2, providing the total population as of December 31, 2023, and

Prisoners in 2022 — Statistical Tables Table 16, providing data (as of December 31, 2021) that we used to calculate the ratio of different offense types.

- **Jails:** Bureau of Justice Statistics, Jails Report Series: 2023 Preliminary Data Release Table 1, reporting the average daily population for the year ending June 30, 2023; Figure 1, reporting the 2023 midyear population by conviction status; and our analysis of the Survey of Inmates in Local Jails, 2002.
- Federal:
  - **Bureau of Prisons:** Federal Bureau of Prisons (BOP) Population Statistics, reporting data as of February 13, 2025 (total population of 155,147), and Prisoners in 2022 — Statistical Tables Table 19, providing the percentage distribution of offense types as of September 30, 2022 that we applied to the 2025 BOP population.
  - **U.S. Marshals Service:** The Marshals Service (USMS) 2025 Facts and Figures Fact Sheet, providing its most recent custody population (56,155) for fiscal year 2024 (ending September 30, 2024). Because the USMS does not operate its own facilities, it contracts with other government agencies for space in their facilities. The 2025 Fact Sheet breaks down the average daily population in USMS custody by three broad facility types: state and local facilities (40,652 in state prisons and local jails), directly-contracted private facilities (7,233), and federal Bureau of Prisons facilities (8,079 held mainly in BOP detention facilities); it also reports 191 people held in “other” unspecified facilities.

To further disaggregate the “state and local” category, we used information from table 8 in the Bureau of Justice Statistics report Jail Inmates in 2022 — Statistical Tables, which reports 32,300 people held in local jails for USMS as of June 30, 2022. We concluded the rest of those in “state and local” facilities (8,352) were held in state prisons. (It’s worth noting that, in addition to the directly-contracted private facilities, an unknown portion people held for USMS in “state and local” facilities are also in privately-operated facilities; the USMS refers to these as “pass thru” arrangements in which the USMS contracts with a public agency (i.e., sheriff’s office or state Department of Corrections) but that agency in turn contracts with privately-operated facilities which may confine people for USMS.)

We created our own estimated offense breakdown by applying the ratios of reported offense types (excluding the vague “other new offense” and “writs, holds & transfers” categories”) from a 2023 FOIA response to the total average daily population in FY2024. (For those interested in the raw data including those categories, see page 9 of that FOIA response.) ↗

- **Youth:** Office of Juvenile Justice and Delinquency Prevention, Juvenile Residential Facility Census Databook, reporting the number of private and public facilities and youth held for an offense as of October 26, 2022; Easy Access to the Census of

Juveniles in Residential Placement (EZACJRP), reporting percentage distribution of offense types as of October 27, 2021. Our data on youth incarcerated in adult prisons comes from Prisoners in 2022 — Statistical Tables Table 15, reporting data for December 31, 2022, and youth in adult jails from Jail Inmates in 2022 — Statistical Tables Table 2, reporting data as of June 30, 2022. The number of youth reported in Indian country jail facilities comes from the Bureau of Justice Statistics report Jails in Indian Country, 2023 Table 6, reporting data as of June 30, 2023. For more information on the geography of the juvenile system, see the No Kids in Prison campaign.

- **Immigration detention:** The average daily population of 43,759 in Immigration and Customs Enforcement (ICE) detention comes from ICE’s Detention Management spreadsheet, reporting current detention and Alternatives to Detention data as of February 23, 2025. The count of 4,096 youth in Office of Refugee Resettlement (ORR) custody comes from the Unaccompanied Alien Children (UAC) Program Fact Sheet, reporting the population as of January 29, 2025. Our estimates of how many ICE detainees are held in federal, private, and local facilities come from our analysis of the same ICE Detention Management spreadsheet. Nine percent were in federal ICE/BOP facilities (which we defined as Service Processing Centers, Staging facilities, and BOP detention centers); 70% in private contract facilities (including Contract Detention Facilities for ICE and U.S. Marshals Service and Dedicated Intergovernmental Service Agreements); 11% in city and county-operated jails (including Intergovernmental Service Agreements for ICE and U.S. Marshals Service), and 10% in other facilities including holds, hospitals, hotels, and MIRP facilities.
- Criminal legal system-related involuntary commitment:
  - **State psychiatric hospitals** (people committed to state psychiatric hospitals by courts after being found “not guilty by reason of insanity” (NGRI) or, in some states, “guilty but mentally ill” (GBMI) and others held for pretrial evaluation or for treatment as “incompetent to stand trial” (IST)): The total number (18,948) is from the Treatment Advocacy Center’s 2024 report Prevention over Punishment, reporting findings from their 2023 survey. In past years, we used an older source that offered a breakdown by the status of these “forensic” patients; the TAC report does not provide such a breakdown. Also, it’s important to note that this is not a complete view of all involuntary commitments, many of which have nothing to do with underlying criminal charges or convictions.
  - **Civil detention and commitment:** At least 20 states and the federal government operate facilities for the purposes of detaining people convicted of sex-related crimes after their sentences are complete. These facilities and the confinement there are technically civil, but in reality are quite like prisons. People under civil commitment are held in custody continuously from the time they start serving their sentence at a correctional facility through their confinement in the civil facility. The civil commitment counts come from an annual survey conducted by the Sex Offender Civil Commitment Programs Network shared by SOCCPN President Shan Jumper, except for the federal Bureau of Prisons (BOP), where

the count comes from a 2020 Williams Institute report. Counts for most states are from the 2024 SOCCPN survey, but for states that did not participate in 2024, we included the most recent figures available: Nebraska’s count is from 2018; Texas’ and Wisconsin’s are from 2023; and the BOP count is from 2019. We opted to use the Williams Institute report’s count for the BOP because it was more recent.

- **Territorial prisons** (correctional facilities in the U.S. Territories of American Samoa, Guam, and the U.S. Virgin Islands, and U.S. Commonwealths of the Northern Mariana Islands and Puerto Rico): Prisoners in 2022 — Statistical Tables Table 25, reporting data for December 31, 2022.
- **Indian country jails** (correctional facilities operated by tribal authorities or the U.S. Department of the Interior’s Bureau of Indian Affairs): Jails in Indian Country, 2023 Table 1, reporting the population as of June 30, 2023.
- **Military**: Prisoners in 2022 — Statistical Tables Tables 23 (for total population) and 24 (for offense types) reporting data as of December 31, 2022. ↗
- **Probation and parole**: Our counts of the number of people on probation and parole are based on the Bureau of Justice Statistics report Correctional Populations in the United States, 2022 — Statistical Tables Table 1, reporting data for December 31, 2022. We adjusted these totals to ensure that people with multiple statuses (e.g., people on probation who were also held in jails) were counted only once in their most restrictive category, using published data on people with dual statuses in Table 10 of the same report. For readers interested in knowing the total number of people on parole and probation, ignoring any double-counting with other forms of correctional control, there were 698,800 people on parole and 2,990,900 people on probation as of December 31, 2022. ↗
- **Private facilities**: Except for local jails (which we will explain in the “Adjustments to avoid double counting” section below), our identification of the number of people held in private facilities was as follows:
  - For state prisons, we calculated an estimate based on the percentage of people reported in private facilities in Table 14 in the Bureau of Justice Statistics (BJS) report Prisoners in 2022 — Statistical Tables (7.4%) and the reported total number of people in state prisons in BJS’ Prisons Report Series: Preliminary Data Release, 2023 Table 2.
  - For the Federal Bureau of Prisons (BOP), we calculated the percentage of the total BOP population (8.2%) that were held in Residential Reentry Centers (halfway houses) or in home confinement as of February 13, 2025, according to the Bureau of Prisons “Population Statistics.” We then applied that percentage to our total convicted BOP population (removing the 8,079 people held in 12 BOP detention centers being held for the U.S. Marshals Service) to estimate the number of people serving a sentence in a privately-operated setting for the BOP. We chose this method instead of using the number or percentage published in

Table 14 of Prisoners in 2022 — Statistical Tables because as of 2023, the BOP no longer placed sentenced people in private prisons. The inclusion of Residential Reentry Centers and home confinement in our definition of “private” facilities is consistent with the definition used by the Bureau of Justice Statistics in Table 14 of Prisoners in 2022 — Statistical Tables.

- For the U.S. Marshals Service, we used the 2025 Facts and Figures Fact Sheet, reporting the average daily population for fiscal year 2024, including only those held in “private” (directly-contracted) facilities. However, we note that an unknown portion of the 40,652 people held in state prisons and local jails with Intergovernmental Service Agreements (IGAs) are also held in private facilities that are subcontracted by state and local governments; the available data make it impossible to disaggregate these “pass thru” facilities according to status as private or public.
- For youth, we used the Juvenile Residential Facility Census Databook, which provides a breakdown of the number of youth held in publicly and privately operated facilities as of October 26, 2022.
- For immigration detention, we used the Facility Information provided in ICE’s Detention Management spreadsheet to calculate the percentage of people detained in facilities categorized as “CDF” (Contract Detention Facilities), “USMS CDF” (Contract Detention Facilities contracted by the U.S. Marshals Service), and “DIGSA” (privately owned and/or operated facilities contracted through Dedicated Intergovernmental Service Agreements for ICE use), and applied that percentage (70%) to the total population detained by immigration authorities (including children held by ORR). ↗

## Adjustments to avoid double counting

To avoid counting anyone twice, we performed the following adjustments:

- To avoid anyone in immigration detention being counted twice, we removed the 11% (4,908) of the Immigration and Customs Enforcement (ICE) detained population that is held in local jails under Intergovernmental Service Agreement contracts (IGSAs) from the total jail population. We removed 29.3% of these ICE detainees from the jail convicted population and the balance from the unconvicted population. We based these percentages on the breakdown by criminal status of the ICE “currently detained” as of February 23, 2025 in the ICE Detention Management spreadsheet, counting “convicted criminal” as convicted and “pending criminal charges” and “other immigration violator” as unconvicted.
- To avoid anyone in local jails on behalf of state or federal prison authorities from being counted twice, we removed the 65,573 people — reported in Table 14 of Prisoners in 2022 — Statistical Tables — confined in local jails on behalf of federal or state prison systems from the total jail population and from the numbers we calculated for those in local jails that are convicted. To avoid those being held by the U.S. Marshals Service from being counted twice, we removed from the jail total 32,300

Marshals detainees reported as held in local jails in Jail Inmates in 2022 — Statistical Tables Table 8. We removed 75.9% of these people held in jails for the Marshals Service from the jail convicted population, and the balance from the unconvicted jail population. We based these percentages on our analysis of the Profile of Jail Inmates, 2002. We are not aware of any more recent source breaking down the U.S. Marshals Service detained population by conviction status.

- Because we removed ICE detainees and people under the jurisdiction of federal and state authorities from the jail population, we had to recalculate the offense distribution reported in Profile of Jail Inmates, 2002 who were “convicted” or “not convicted,” excluding the people who reported that they were being held on behalf of state authorities, the Federal Bureau of Prisons, the U.S. Marshals Service, or U.S. Immigration and Customs Enforcement (ICE). Our definition of “convicted” was those who reported that they were “To serve a sentence in this jail,” “To await sentencing for an offense,” or “To await transfer to serve a sentence somewhere else.” Our definition of “not convicted” was “To stand trial for an offense,” “To await arraignment,” or “To await hearing for revocation of probation/parole or community release.”
- For our analysis of people held in private jails for local authorities, we applied the percentage of the total custody population held in private facilities in midyear 2019 (calculated from Table 20 of Census of Jails, 2005-2019) to our count of people held in jails for local authorities (562,566) in 2023, after making the adjustments described in this section. ↗
- **Our graph of the racial and ethnic disparities** in correctional facilities (as shown in Slideshow 6) uses the only data source that has data for all types of adult correctional facilities: the U.S. Census. We used the American Community Survey 2023 1-Year Estimates table S2603 and represented the four named racial and ethnic groups that account for at least 2%, nationally, of the population in adult correctional facilities. Not included on the graphic are Asian people, who make up 1.1% of the correctional population, Native Hawaiians and Other Pacific Islanders, who make up 0.3%, people reporting “Some other race,” who account for 7.3%, and those of “Two or more races,” who make up 12.3% of the total national correctional population.
- Note that because Latinos may be of any race and because of how the Census Bureau published race and ethnicity data in the relevant table, we used the Census data for “White alone, Not Hispanic or Latino” for white people, but the Census Bureau’s data for “Black or African American” and “American Indian and Alaska Native” people may include people who identify as both that race and Latino ↗

## How to link to specific images and sections

To help readers link to specific images in this report, we created these special urls:

### **How many people are locked up in the United States?**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow1/1>

**1 in 3 people behind bars is in a jail. Most have yet to be tried in court.**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow1/2>

**Despite reforms, drug offenses are still a defining characteristic of the federal system**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow1/3>

**Beyond “federal prison,” multiple agencies and thousands of local facilities confine people for the federal government**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow1/4>

**Pretrial Detention**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow2/1>

**Pretrial policies drive jail growth**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow2/2>

**Why are so many people detained in jails before trial? They’re not wealthy enough to afford money bail.**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow2/3>

**1 in 3 people behind bars is in a jail. Most have yet to be tried in court**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow2/4>

**U.S. crime rates continue to fall, and preliminary data indicate crime likely hit a 60-year low in 2023**

<https://www.prisonpolicy.org/reports/pie2025.html#crimerates>

**1 in 5 incarcerated people is locked up for a drug offense**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow3/1>

**Even with recent changes to drug laws and enforcement, police still make almost a million drug possession arrests each year**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow3/2>

**Some states have largely ended the War on Drugs. Other states, not so much.**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow3/3>

**Most states track and publish just one measure of post-release recidivism**

<https://www.prisonpolicy.org/reports/pie2025.html#releaserecidivism>

**Very few states track and publish any recidivism data for people on probation**

<https://www.prisonpolicy.org/reports/pie2025.html#probationrecidivism>

**In jails, the most effective treatment options are the least accessible for people with opioid use disorder**

<https://www.prisonpolicy.org/reports/pie2025.html#jailtreatment>

**What do victims of violent crimes really want?**

<https://www.prisonpolicy.org/reports/pie2025.html#victimswant>

**Only 8% of confined people are held in private prisons**

[https://www.prisonpolicy.org/reports/pie2025.html#private\\_facilities](https://www.prisonpolicy.org/reports/pie2025.html#private_facilities)

**Non-criminal (or “technical”) violations are the main reason for incarceration of people on probation and parole**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow4/1>

**The growth of electronic monitoring for the criminal legal and immigration systems, 2015-2024**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow4/2>

**Electronic monitoring doesn’t reduce jail populations**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow4/3>

**Most confined youth are held for non-person offenses, and 1 in 4 is held for an act that is not a “crimes” at all**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow5/1>

**More than 1 in 3 people in state prison were first arrested before their 16th birthday**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow5/2>

**Almost 67,000 people are confined for immigration reasons**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow5/3>

**Psychiatric facilities confine 25,000 people every day for criminal legal system involvement**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow5/4>

**Most people in Indian Country jails are locked up for property, drug, and public order charges**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow5/5>

**The rapid expansion of ICE’s electronic monitoring program**

<https://www.prisonpolicy.org/reports/pie2025.html#iceexpansion>

**Mass incarceration directly impacts millions of people: But just how many, and in what ways?**

<https://www.prisonpolicy.org/reports/pie2025.html#impacted>

**Incarceration is just one piece of the much larger system of correctional control**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow6/1>

**Racial and ethnic disparities in correctional facilities**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow6/2>

**How many women are locked up in the United States?**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow6/3>

**Most people in prison are poor, and the poorest are women and people of color**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow6/4>

**Many people in state prisons grew up facing serious family, housing, economic, and educational challenges**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow6/5>

**The youngest and oldest people in prison**

<https://www.prisonpolicy.org/reports/pie2025.html#slideshows/slideshow6/6>

To help readers link to specific report sections or paragraphs, we created these special urls:

**Changes and trends in the data over time**

<https://www.prisonpolicy.org/reports/pie2025.html#trends>

**Jails vs. prisons: What’s the difference?**

<https://www.prisonpolicy.org/reports/pie2025.html#jailsvprisons>

**Ten myths about mass incarceration**

<https://www.prisonpolicy.org/reports/pie2025.html#myths>

**The first myth: Crime is up, and immigration and criminal legal system reforms are to blame**

<https://www.prisonpolicy.org/reports/pie2025.html#firstmyth>



**The second myth: The second myth: Releasing “nonviolent drug offenders” would end mass incarceration**

<https://www.prisonpolicy.org/reports/pie2025.html#secondmyth>

**The third myth: The third myth: By definition, “violent crime” involves physical harm**

<https://www.prisonpolicy.org/reports/pie2025.html#thirdmyth>

**Offense categories might not mean what you think**

<https://www.prisonpolicy.org/reports/pie2025.html#offensecategories>

**The fourth myth: People in prison for violent or sexual crimes are too dangerous to be released**

<https://www.prisonpolicy.org/reports/pie2025.html#fourthmyth>

**Recidivism: A slippery statistic**

[https://www.prisonpolicy.org/reports/pie2025.html#recidivism\\_measures](https://www.prisonpolicy.org/reports/pie2025.html#recidivism_measures)

**The fifth myth: Some people need to go to jail to get treatment and services**

<https://www.prisonpolicy.org/reports/pie2025.html#fifthmyth>

**The sixth myth: Harsh punishments deter crime, making us safer**

<https://www.prisonpolicy.org/reports/pie2025.html#sixthmyth>

**The seventh myth: Crime victims support long prison sentences**

<https://www.prisonpolicy.org/reports/pie2025.html#seventhmyth>

**The eighth myth: Private prisons are the corrupt heart of mass incarceration**

<https://www.prisonpolicy.org/reports/pie2025.html#eighthmyth>

**The ninth myth: Prisons are “factories behind fences” that exist to provide companies with a huge slave labor force**

<https://www.prisonpolicy.org/reports/pie2025.html#ninthmyth>

**The tenth myth: Expanding community supervision — including electronic monitoring - is the best way to reduce incarceration**

<https://www.prisonpolicy.org/reports/pie2025.html#tenthmyth>

**The high costs of low-level offenses**

<https://www.prisonpolicy.org/reports/pie2025.html#lowlevel>

**Misdemeanors: Minor offenses with major consequences**

<https://www.prisonpolicy.org/reports/pie2025.html#misdemeanors>

**Probation & parole violations and “holds” lead to unnecessary incarceration**

<https://www.prisonpolicy.org/reports/pie2025.html#holds>

**“Low-level fugitives” live in fear of incarceration for missed court dates and unpaid fines**

<https://www.prisonpolicy.org/reports/pie2025.html#benchwarrants>

**Lessons from the smaller “slices”: Youth, immigration, and involuntary commitment**

<https://www.prisonpolicy.org/reports/pie2025.html#smallerslices>

**Beyond the “Whole Pie”: Community supervision, poverty, age, and race and gender disparities**

<https://www.prisonpolicy.org/reports/pie2025.html#community>

**Each paragraph is also numbered, so you can use urls in this format:**

<https://www.prisonpolicy.org/reports/pie2025.html#paragraph1>

<https://www.prisonpolicy.org/reports/pie2025.html#paragraph2>

## Acknowledgments

All Prison Policy Initiative reports are collaborative endeavors, but this report builds on the successful collaborations of the several versions of this report we have produced since 2014. For this year's report, the authors are particularly indebted to Shan Jumper for sharing updated civil detention and commitment data, Jordan Miner for helping with technical improvements, and Ed Epping for help with one of the visuals. Any errors or omissions, and final responsibility for all of the many value judgements required to produce a data visualization and report like this, are the sole responsibility of the authors.

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## About the authors

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## About the Prison Policy Initiative

The non-profit, non-partisan Prison Policy Initiative was founded in 2001 to expose the broader harm of mass criminalization and spark advocacy campaigns to create a more just society. Alongside reports like this that help the public more fully engage in criminal justice reform, the organization leads the nation's fight to keep the prison system from exerting undue influence on the political process (a.k.a. prison gerrymandering) and plays a leading role in protecting the families of incarcerated people from the predatory prison and jail telephone industry and the video visitation industry.

## Footnotes

1. The number of state facilities is from the [Census of State and Federal Adult Correctional Facilities, 2019](#) (the private adult facilities are also included in this number); the number of federal facilities is from the list of prison locations on the [Bureau of Prisons website](#) (as of February 12, 2025); the number of youth facilities is from the [Juvenile Residential Facility Census Databook \(2022\)](#); the number of jails from [Census of Jails 2005-2019](#) (counting facilities, not jurisdictions); the number of immigration detention facilities from [Immigration and Customs Enforcement's Dedicated and Non Dedicated Facility List](#) (as of September 9, 2024); and the number of Indian Country jails from [Jails in Indian Country, 2023](#). In addition to these larger systems of confinement, people are incarcerated in 41 prisons in U.S. territories, according to the [World Prison Brief](#) (accessed February 12, 2025), and in 36 military prisons, according to a December 2022 GAO report to Congressional Committees (page 5). We aren't currently aware of a good source of data on the number of facilities that hold people involuntarily committed to civil commitment centers or psychiatric facilities due to underlying criminal charges or convictions. ↩
2. This is undoubtedly a low estimate, as it does not capture the costs of all facilities included in this "whole pie," and there are several significant types of expenses for which we could not create reliable national estimates, such as fines and fees. Moreover, many costs, such as those related to correctional health care, have also increased since we published the report. For more information including our methodology for calculating the \$182 billion figure, see our 2017 report [Following the Money of Mass Incarceration](#). ↩
3. The average daily population of jails nationwide for the 12 months ending June 30, 2023 was 664,800, compared to 652,500 in the 12 months ending June 30, 2022. ↩
4. The one-day count held on June 30 of each year tells a clearer story than the annual average daily population: In June of 2020, jail populations were 25% smaller than they were a year before. Within a year, more than half of those emptied beds were filled again, mostly by people detained pretrial. The growth over the past two years has also been driven by the number of *unconvicted* people in jails, which reached 97% of its 2019 level in 2023, while the number of convicted people remains low at 77% of its 2019 level. ↩
5. This is not the only lens through which we should think about mass incarceration, of course. For instance, while this view of the data shows clearly *which government agencies* are most central to mass incarceration and *which criminalized behaviors* (or "offenses") result in the most incarceration on a given day, at least some of the same data could instead be presented to emphasize the well-documented *racial and economic disparities* that characterize mass incarceration. It would be impossible to present all possible "views" of mass incarceration in one report, but we encourage readers to take inspiration from our approach here to create further "big picture" analyses that can help people better understand mass incarceration, its harms, and how to end it. ↩
6. The number of annual jail admissions includes multiple admissions of some individuals; it does not mean 7 million unique individuals cycling through jails in a year. We have analyzed two separate datasets to estimate how many unique individuals go to jail in a given year, and how many are booked into jail multiple times in the same year. Most recently, we analyzed unique data from the Jail Data Initiative and found that in 2023, there were 7.6 million jail admissions, but just over 5.6 million unique individuals went to jail. One in four jail admissions was someone returning to jail for at least the second time that year. In 2019, we analyzed the 2017 National Survey on Drug Use and Health, which includes questions about whether respondents have been booked into jail; from this source, we estimated that of the 10.6 million jail admissions in 2017, at least 4.9 million were unique individuals. ↩
7. The local jail population in the main pie chart (562,019) reflects only the population under local jurisdiction; it excludes the people being held in jails for other state and federal agencies. The population under local jurisdiction is smaller than the population (664,800) physically located in jails on an average day in 2023, often called the custody population. (For this distinction, see the [second image in the first slideshow above](#).) ↩
8. After ticking up slightly in 2020, the violent crime rate (especially murder) fell dramatically in 2023 and 2024. In general, violent crime has remained remarkably steady in recent years; property crime has trended steeply downward and remains near historic lows. ↩
9. Data from 2023 show the Index crime rate was the lowest it had been since 1963 that year, and the latest data show that downward trend continued well into 2024. Using the FBI's [Crime Data Explorer's](#) most recent quarterly crime data for 2024 and Table 1 in the downloadable [Crime in the United States](#) estimation tables for 2023, we estimated 2024 crime rates based on the reported percent change in crime rates between the first six months of 2023 and the first six months of 2024. The FBI reported a 10% decrease in violent crime and a 13% decrease in property crime in that period. However, 2024 data should be considered preliminary until annual crime data are reported later this year. ↩
10. Our analysis of the 2019 Census of Jails accounts for non-citizens held for ICE in rented jail beds due to their immigration status, so that we could isolate the number of non-citizens who are jailed after being accused of breaking criminal law. (Undocumented presence in the U.S. is not a crime in and of itself, but rather a civil matter.) The published percentage of non-citizens in jail in 2019 is 5.4%, but that includes those immigration

- holds; excluding those holds, 3.1% of the jail population with a known citizenship status were non-citizens. ↩
11. The linked 2022 study found that a smaller portion of cities with “progressive” prosecutors saw increases in homicides compared to cities with “traditional” prosecutors (56% versus 68%) between 2015 and 2019, and the relative increase in homicides was lower in places with “progressive” prosecutors than those with “traditional” prosecutors (43% versus 55%). Another study by the Thurgood Marshall Institute at the Legal Defense Fund found no significant difference in pandemic-era increases in homicides between cities with “progressive” versus “traditional” prosecutors. Nevertheless, conservative state legislatures continue to try to undermine these democratically-elected local officials with legislation designed to take their discretionary power away. ↩
  12. In 2023, there were an estimated 870,874 arrests for drug abuse violations in the U.S., 87.7% (about 763,756) of which were for drug possession. See Crime in the United States Annual Reports, 2023, “Persons Arrested” Tables 29 and 38 (available for download here). ↩
  13. The federal government defines the hierarchy of offenses with felonies higher than misdemeanors. And “[w]ithin these levels, ... the hierarchy from most to least serious is as follows: homicide, rape/other sexual assault, robbery, aggravated assault, burglary, larceny/motor vehicle theft, fraud, drug trafficking, drug possession, weapons offense, driving under the influence, other public-order, and other.” See page 13 of Recidivism of Prisoners Released in 1994. ↩
  14. The felony murder rule has also been applied when the person who died was a participant in the crime. For example, in some jurisdictions, if one of the bank robbers is killed by the police during a chase, the surviving bank robbers can be convicted of felony murder of their colleague. For example see *People v. Hudson*, 222 Ill. 2d 392 (Ill. 2006) and *People v. Klebanowski*, 221 Ill. 2d 538 (Ill. 2006). According to a New York Times article, the U.S. is currently the only country still using the felony murder rule; other British common law countries abolished it years ago. A small but growing number of states have abolished it at the state level. ↩
  15. Despite this evidence, people convicted of violent offenses often face decades of incarceration, and those convicted of sexual offenses can be committed to indefinite confinement or stigmatized by sex offender registries long after completing their sentences. ↩
  16. Prisons are also entirely failing to provide people with adequate treatment. 43% of people in state prisons have a diagnosed mental disorder, yet at any given time, only an estimated 6% of people in state prisons are receiving professional help. And while half of people in state prisons had a substance use disorder in the year before their admission to prison, only 10% report having received any clinical treatment while incarcerated. ↩
  17. Although they’ve failed to deter crime, long sentences have accomplished a barbaric rise in the incarceration of elderly people. Older people make up five times as much of the prison population as they did three decades ago: from 3% of the prison population in 1992 to 16% in 2022. This growth is seen even more acutely when looking at people serving life sentences: by 2024, 35% of people serving life sentences were at least 55 years old, with more than 69,100 older adults sentenced to die in prison. ↩
  18. In its Defining Violence report, the Justice Policy Institute cites earlier surveys that found similar preferences. These include the 1997 Iowa Crime Victimization Survey, in which burglary victims “voiced stronger support for approaches that rely less on incarceration, such as community service (75.7%), regular probation (68.6%), treatment and rehabilitation (53.5%), and intensive probation (43.7%)” and the 2013 first-ever Survey of California Crime Victims and Survivors, in which “seven in 10 victims supported directing resources to crime prevention versus towards incarceration (a five-to-one margin).” In a 2019 update to that survey, 75% of victims “support reducing prison terms by 20% for people in prison that are a low risk to public safety and do not have life sentences” and using the savings to fund crime prevention and rehabilitation. The 2024 iteration of the survey, with a smaller sample of 401 people who reported violent crime victimization in the past 10 years, similarly found that “less than 1 in 4 of all victims of violent crime think that long sentences are the most effective way to stop people from committing repeat crimes,” and 61% support earned time credit policies that incentivize participation in pre-release programming. ↩
  19. Many people convicted of violent offenses have been chronically exposed to neighborhood and interpersonal violence or trauma as children and into adulthood. As the Square One Project explains, “Rather than violence being a behavioral tendency among a guilty few who harm the innocent, people convicted of violent crimes have lived in social contexts in which violence is likely. Often growing up in poor communities in which rates of street crime are high, and in chaotic homes which can be risky settings for children, justice-involved people can be swept into violence as victims and witnesses. From this perspective, the violent offender may have caused serious harm, but is likely to have suffered serious harm as well.” Our report Reforms Without Results summarizes research findings that bear this out. ↩
  20. For an explanation of how we calculated this, see “private facilities” in the Methodology. For those interested in how many *facilities* are privately operated, in 2019 (the most recent year for which we have national data) only 445 (9%) of the 4,793 prisons and jails in the U.S. were privately operated. ↩
  21. At yearend 2022, five states held more than 20% of those incarcerated under the state prison system’s jurisdiction in local jail facilities: Louisiana (53%), Kentucky (47%), Mississippi (33%), Utah (26%), and Tennessee (20%). For more on how renting jail space to

- other agencies skews priorities and fuels jail expansion, see the [“Renting jail space”](#) section in our recent briefing on states’ reliance on excessive jailing. ↩
22. According to the most recent [National Correctional Industries Association](#) survey that is publicly available, an average of 6% of all people incarcerated in state prisons work in state-owned prison industries. However, the portion of incarcerated people working in these jobs ranges from 1% (in Connecticut) to 18% (in Minnesota). For a description of other kinds of prison work assignments, see [our 2017 analysis](#). ↩
  23. In 2022, a [report](#) by the ACLU and the University of Chicago [Law School Global Human Rights Clinic](#) found that very little has changed since then: Using a similar methodology, they found that prisons paid incarcerated workers a minimum average hourly wage of 13 cents and a maximum of 52 cents. ↩
  24. Even the [most common parole and probation conditions](#) are often stifling for those reentering society. In many states, for example, [“association restrictions”](#) prohibit interactions between people on supervision and large swaths of the population, such as those with felony convictions or others on probation or parole. As a result, people must steer clear of certain places altogether, producing a complex web of prohibited activities and relationships that make it even harder to find housing and work, arrange for transportation, participate in treatment programs, or otherwise succeed in reentry. ↩
  25. A Community Spring program known as Just Income, which is led by formerly incarcerated people, offers a new way to understand these experiences through a simulator they designed called [“ReEntry: A Look at the Journey Back to Life.”](#) ↩
  26. According to the most recent data available — Appendix Table 7 in the Bureau of Justice Statistics report [Probation and Parole in the United States, 2022](#) — 76,050 adults exited probation to incarceration under their current sentence; Appendix Table 11 shows 52,530 adults were returned to incarceration from parole with a revocation. The number of people incarcerated for non-criminal violations may be much higher, however, since over 41,000 people exiting probation and parole to incarceration did so for [“other/unknown”](#) reasons. ↩
  27. Electronic monitoring restricts people’s ability to leave their homes, subjecting them to extremely long and complicated approval processes for job interviews and denying them the flexibility required to work in food service, waste management, construction, and other industries. They are frequently denied permission to go to the doctor or the pharmacy to fill prescriptions. A [survey of people subjected to monitoring by ICE](#) found that an astonishing 90% of people on electronic monitoring experienced harm to their physical health, including open sores and even electrical shocks. Many people report depressive and even suicidal thoughts from the stigma and isolation of wearing a monitor. To make matters worse, the technology can trigger relapse for those managing addiction, potentially leading to new offenses, overdose, and even death. Families and, overwhelmingly, Black and Brown communities [endure these harms](#) alongside the people on electronic monitoring, as the practice impedes participation in childcare, key family events such as child birth or funerals. Some have also noted the technology has been deployed to undermine participation in social justice movements. ↩
  28. While some of this expansion took place in reaction to the pandemic, the [Vera Institute of Justice](#) also notes that evolving technology is driving increasing electronic monitoring usage. Their report points out that the use of GPS devices increased thirty-fold between 2005 and 2021. Advancing technology has also increased the use of programs like cell phone apps designed to track and monitor people under supervision, which has allowed for rapid expansion of electronic monitoring and raised new areas of concern, such as the potential for highly personal data to be shared and compromised. ↩
  29. For example, in Los Angeles County between 2015 and 2021, [94%](#) of people who were terminated from the electronic monitoring program were sent back to jail for technical violations rather than for a new arrest or for absconding. ↩
  30. A medical journal article also includes in this group people with developmental disabilities, dementia, and other forms of cognitive impairment. ↩
  31. In [2022](#), nearly two-thirds (64%) of juvenile status offense cases were for truancy. Nine percent were for running away, 9% were for being “ungovernable,” 8% were for underage liquor law violations, and 3% were for breaking curfew (the remaining 8% were petitioned for “miscellaneous” offenses). ↩
  32. As of 2016, nearly 9 out of 10 people incarcerated for immigration offenses by the Federal Bureau of Prisons were there for illegal entry and reentry. We know of no newer source of detailed information about these offenses. ↩
  33. People detained by ICE because they are facing “removal proceedings” and “removal” include longtime permanent residents, authorized foreign workers, and students, as well as those who have crossed U.S. borders. ↩
  34. This program imposes electronic monitoring — whether through GPS ankle monitor, a mobile phone-based app, or other new technologies — on individuals with little or no criminal history, and has expanded from 23,000 people under active surveillance in 2014 to more than 185,500 people in February of 2025 (the number of people being monitored actually peaked in 2022 at almost 323,000 people) . The [Transactional Records Access Clearinghouse \(TRAC\)](#) provides frequently-updated data and analysis on this program, and many other aspects of immigration detention. ↩
  35. Most children in ORR custody are held in shelters. A small number are in secure juvenile facilities or in short-

- term or long-term foster care. With the exception of those in foster homes, these children are not free to come and go, and they do not participate in community life (e.g. they do not attend community schools). Their behaviors and interactions are monitored and recorded; any information gathered about them in ORR custody can be used against them later in immigration proceedings. And while the majority of these children came to the U.S. without a parent or legal guardian, those who were separated from parents at the border are, like ICE detainees, confined only because the U.S. has criminalized unauthorized immigration, even by persons lawfully seeking asylum. ↩
36. People committed to state psychiatric facilities in the course of criminal legal proceedings are typically called “forensic” patients. Forensic patients are just one portion of the total number of people civilly committed or detained in psychiatric facilities on a given day; according to a recent [Treatment Advocacy Center report](#), forensic patients occupied more than half (52%) of available state psychiatric beds nationwide in 2023. Government agencies do not publish accessible, transparent data on the fuller picture of civil commitments (i.e., outside of those charged or convicted of criminal offenses), as the authors of [this 2020 report](#) helpfully detail. ↩
37. “Civil commitment” has a specific, somewhat euphemistic, meaning in the criminal legal context, but is used much more broadly outside of that context. Here, “civil commitment” refers to the involuntary commitment of people convicted of sex-related crimes after completing their prison sentences. While this is not part of their sentences (and therefore “civil”), these individuals are unquestionably there because of their criminal convictions. For more information, see our 2023 briefing [What is civil commitment?](#) ↩
38. The Treatment Advocacy Center reports that “[Not Guilty by Reason of Insanity] patients also sometimes remain in the hospital years longer than they would have been held in prison for the same crime if they did not have a mental illness. ... [I]n our survey, Tennessee and Wisconsin said explicitly that NGRI patients often stay in the state hospitals for life.” ↩
39. While we have yet to find a national estimate of how many people are civilly committed in prisons, jails, or other facilities for involuntary drug treatment on a given day, and therefore cannot include them in our “whole pie” snapshot of confined populations, Massachusetts reportedly commits [over 6,000 people each year](#) under its provision, Section 35. According to Prisoners’ Legal Services of Massachusetts, “Due to insufficient capacity at treatment facilities, [3 out of 4 Section 35 beds are in correctional facilities.](#)” ↩
40. Our report on the pre-incarceration incomes of those imprisoned in state prisons, [Prisons of Poverty: Uncovering the pre-incarceration incomes of the imprisoned](#), found that, in 2014 dollars, incarcerated people had a median annual income that is 41% less than non-incarcerated people of similar ages. Our analysis of similar jail data in [Detaining the Poor: How money bail perpetuates an endless cycle of poverty and jail time](#) found that people in jail who could not afford bail have even lower incomes, with a median annual income that is 54% less than non-incarcerated people of similar ages. ↩
41. Even outside of prisons and jails, the elaborate system of criminal legal system [fines and fees](#) feeds a cycle of poverty and punishment for many poor Americans. ↩
42. The data we collected in [12 state-specific reports](#) emphasized what we already know: Communities missing the most residents to incarceration are often disproportionately low-income, communities of color, under-resourced and overpoliced. For example, in Los Angeles, the 14 neighborhoods with the highest imprisonment rates are all clustered in [South Central Los Angeles](#) — a predominately Black and Latino region of the city with a [median income](#) far below the city average. ↩