Possibility Lab

Berkeley Public Policy
The Goldman School

THE DOWNSIDE OF DOWNSIZING: THE PERSISTENCE OF RACIAL DISPARITIES FOLLOWING STATE PRISON REFORM

The challenge

In recent years, America has witnessed a small but promising reversal of the 50-year trend toward mass incarceration. Since its peak in 2009, the nation's prison population has declined nearly 5%, and 16 states have seen double-digit declines in their state-level prison populations. In some cases, state populations have declined by as much as 25% from their peak levels in 2006-2008.

This trend represents an important step away from decades of overreliance on U.S. jails and prisons. However it does not tell the whole story, nor does it necessarily imply any changes in the racial disproportionality of incarceration. Given the stark racial disparities that characterize every stage of the criminal justice process (from police stops through sentencing), it is critical that we understand how this new trend toward decarceration is affecting individuals across different racial groups.

What we did

To examine how changes in state incarceration rates affect racial and ethnic disparities, we merged jail and prison population data with contextual variables from the Bureau of Justice Statistics; the Vera Institute of Justice; the Annual Survey of Jails; the Census of Jails; the American Communities Survey; and the FBI Uniform Crime Reports. Our analyses included all 44 states that operate separate prison and jail systems.

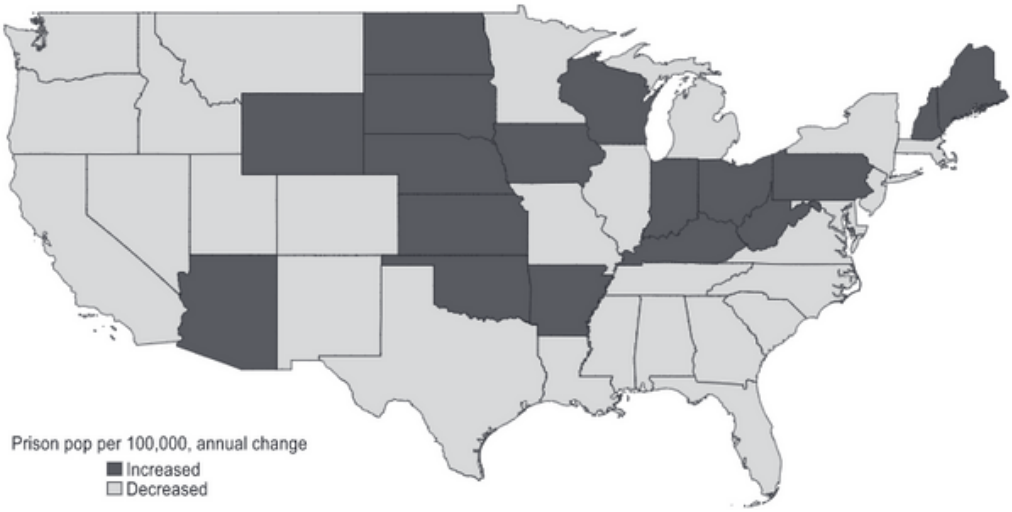
Our primary outcomes include the race/ethnicity-specific state prison and county populations per 100,000 residents. Using the annual numbers of people in prison per 100,000 total state population, we calculate annual average change from 2005 to 2018. We use the same procedure to generate separate categories of annual change in prison rates for each racial/ethnic group.

Our findings

Overall, the number of people in prison nationwide declined by 15% from 2005 to 2018 (falling from 452 to 393 per 100,000 population). However, this change was unevenly distributed across racial and ethnic groups, with reductions in the incarcerated Black and Latinx populations driving the majority of overall reductions. Prison rates among Latinx and Black Americans declined by 28% and 33% respectively, while rates among White Americans remained largely unchanged. Notably, despite these changes, the incarceration rate among Blacks was still four-fold that of Whites in 2018, underlining again the scale of the disparities in the prison population.

Among jail populations, similar changes occurred during the 2005 - 2018 period, with the overall jail population declining by 10% between 2005 and 2018. Again, this overall decline was largely driven by decreases among Latinx and Black Americans (falling from 289 to 204, and from 738 to 546, respectively), and the rate among Whites during this time period actually increased slightly, from 171 to 177 per 100,000 population.

Figure 1: Average Annual Change in People in prison per 10,000 from 2005-2018



This national picture is promising,but it hides a great deal of variation across states. For example, of the 44 states included in this analysis, 17 actually saw an *increase* in their prison incarceration rate during the study period (from a mean of 389 to 402 per 100,000), compared with the 27 states that had declining rates (from a mean rate of 463 to 364 per 100,000). We also find that those states that experienced an *increase* in incarceration rates during this period were states with lower rates at the beginning of the study period. The result is that the shift across states during the 2005 - 2018 period led to a degree of convergence among state incarceration rates.

Most importantly, when we compare the 27 states with declining incarceration rates with those 17 states that experienced increasing incarceration rates, we find that larger reductions in the overall incarceration rate do not correspond with declining racial disparities among those who are incarcerated. Rather, Black-White disparities declined across *both* categories of states at roughly equivalent rates. In states with declining incarceration rates, for example, the decline applied to all racial groups (among Whites, the average rate fell from 284 per 100,000 to 237; among Latinx, from 307 to 231; and among Blacks, from 1,315 to 1,048). By contrast, in states with *increasing* incarceration rates during the study period, the incarceration rate for Whites and Latinx increased (from 240 to 278 among Whites and 346 to 369 among Latinx) and fell for Blacks (from 1,566 to 1,229). This variation suggests that greater gains in decarceration did not drive a greater reduction in the Black-White racial disparity. Instead, it is likely that a different set of factors drove these two concurrent trends.

Figure 2: Change in state prison incarceration rate by race/ethnicity and rate difference (RD) compared to whites, across categories of average annual change in total state prison rate from 2005–2018.

Table 2. Change in state prison incarceration rate by race/ethnicity and rate difference (RD) compared to whites, across categories of average annual change in total state prison rate from 2005–2018.

Annual prison rate change	2005 prison rate	Annual change in prison rate	Annual change in rate difference compared to whites	2005 prisonrate	Annual change in prison rate	Annual change in rate difference compared to whites
	Unadjusted rate per 100,000 (95% CI)			Adjusted rate per 100,000 (95% CI)		
Decline (N = 27)						
White	280 (2,38,321)	−1 (−2.0)	**Reference**	277 (2,18,336)	0 (−4,4)	**Reference**
Black	1462 (1,31,91,605)	−33 (−40, −27)	−32 (−38, −27)	1458 (1,20,41,712)	−30 (−50, −10)	−30 (−46, −14)
Latinx	383 (2,95,472)	−10 (−14, −5)	−9 (−14, −4)	364 (2,76,453)	−8 (−15, −1)	−8 (−13, −3)
Increase (N = 17)						
White	268 (2,23,314)	3 (1,4)	**Reference**	262 (2,16,308)	3 (−1,7)	**Reference**
Black	1649 (1,38,41,913)	−27 (−38, −16)	−30 (−41, −20)	1609 (1,32,81,889)	−23 (−45,0)	−26 (−45, −7)
Latinx	454 (3,28,580)	−4 (−12,3)	−7 (−15,1)	450 (3,14,586)	−3 (−13,7)	−6 (−15,2)

Notes: 95% confidence intervals in brackets.
Unadjusted models include a continuous term for year, and categorical variables for race/ethnicity and category of average annual change in total prison rate.
Adjusted models also include state population, percent of state population that is Black, percent of state population that is Latinx, one-year lagged terms for percent living in poverty, percent unemployed, and violent crime rate.

Finally, we explored what kinds of reforms and local practices might have contributed to overall declines in incarceration, as well as to reductions in racial disparities. Here, we again find a great deal of state-level variation. However, one one key trend in states with declining incarceration rates appears to be a shift away from sending people to prison for violations of probation or parole.

Next Steps

Despite widespread optimism that the punitive tide has turned in America, our analyses suggest that (a) decarceration has not occurred evenly across states, and (b) reductions in prison and jail incarceration rates do not correspond with greater reductions in racial disparities in prison and jail. Our analysis takes a broad approach to examining change in incarcerated populations over time. In future studies, a closer examination of specific reforms could provide valuable insight into what kinds of policy actions are associated with greater reductions in the racial/ethnic composition of the incarcerated population. For example, future research could explore the relationship between variation in prison growth and drug crises, as well as examining the role of drug-related criminal justice reforms on racialized incarceration rates. Along the same lines, it will be important moving forward to better understand unsuccessful reforms that occurred in states where decarceration efforts were introduced, but incarceration rates continued to climb.

Additional Resources

- The downside of downsizing: Persistence of racial disparities following state prison reform by Amy E. Lerman and Alyssa C. Mooney
- The Racial Effects of Prison Reform from the Department of Justice

About us

At Possibility Lab, we are launching a national movement to mobilize community-engaged, data-driven innovation for the public good. Through sustained partnerships between public sector changemakers and academic research teams, we're able to tackle big questions that cut across traditional research and policy boundaries and help move us all towards an equitable, sustainable future.