

United States General Accounting Office

GAO

Fact Sheet for the Chairman, Select
Committee on Narcotics Abuse and
Control, House of Representatives

October 1989

FEDERAL PRISONS

Trends in Offender Characteristics





United States
General Accounting Office
Washington, D.C. 20548

Program Evaluation and
Methodology Division

B-236831

October 27, 1989

The Honorable Charles B. Rangel
Chairman, Select Committee on Narcotics
Abuse and Control
House of Representatives

Dear Mr. Chairman:

Federal prisons are becoming increasingly crowded, and projections for the next 10 to 15 years suggest further significant augmentations in the prison population. Not surprisingly, federal prison officials report prison overcrowding as the principal concern they face. One suggested solution to the problem, expanding prison capacity, would require substantial funds for building or modifying prisons and for the increased costs of managing larger numbers of imprisoned offenders. Another response to crowding is to establish programs for dealing with offenders that could serve as cost-effective alternatives to traditional incarceration.

In your September 21, 1988, letter, you pointed to a need for prison reform and asked the General Accounting Office to answer a series of questions related to prison crowding in federal institutions, alternatives to incarceration, and the characteristics of the prison population. This fact sheet presents data on the number and types of offenders sentenced to federal penal institutions and focuses on the characteristics of those offenders. GAO is also performing separate evaluations of alternatives to incarceration and of plans for handling the expanding prison population.

The information presented in this fact sheet is based on data collected by the Federal Bureau of Prisons during three 1-day counts in September 1986, September 1987, and September 1988.¹ These data show that the rapid increase in federal prison populations is largely driven by the increase in the number of drug law violators who are being incarcerated. Whereas the population of drug offenders increased by 31 percent in the 2 years from September 1986 to September 1988, there was only a 5-percent increase for all other offenders combined. Another measure of the relative effect of drug offenders is that they account for 79 percent

¹Data in this report differ from those presented in a forthcoming General Government Division report entitled *Prison Expansion: Issues Facing the Nation's Prison Systems* (GAO/GGD-90-1). The reasons for these differences are discussed in appendix I.

Evaluation in Physical Systems Areas (202) 275-3092. Other major contributors to this report are listed in appendix II.

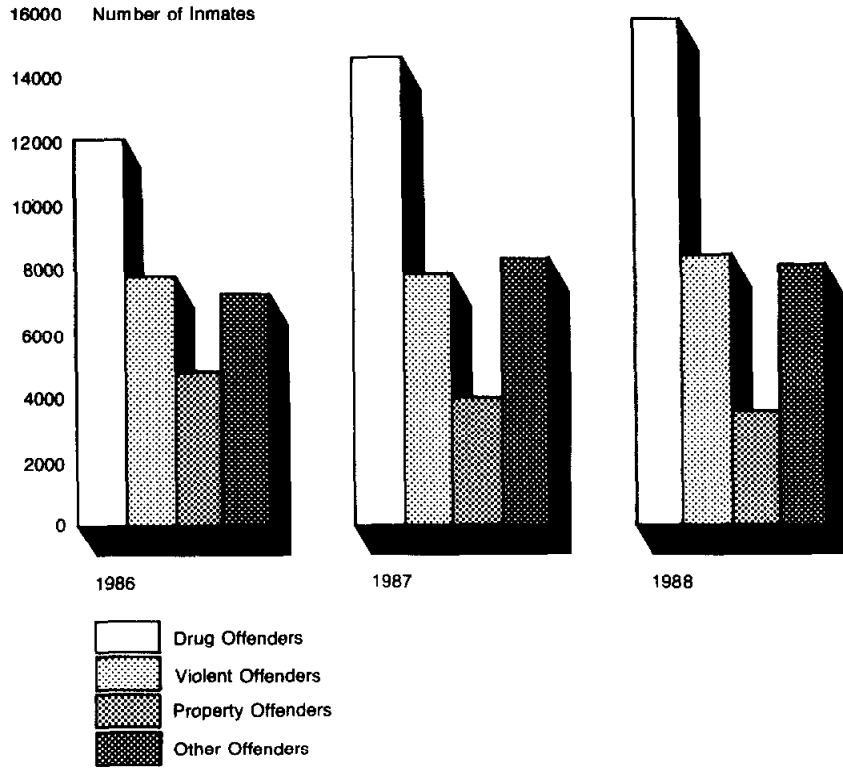
Sincerely yours,

A handwritten signature in black ink, appearing to read "Eleanor Chelmsky". The signature is written in a cursive style with a large, sweeping flourish at the end.

Eleanor Chelmsky
Assistant Comptroller General

**Section 1
Offender Groups in Federal Prisons**

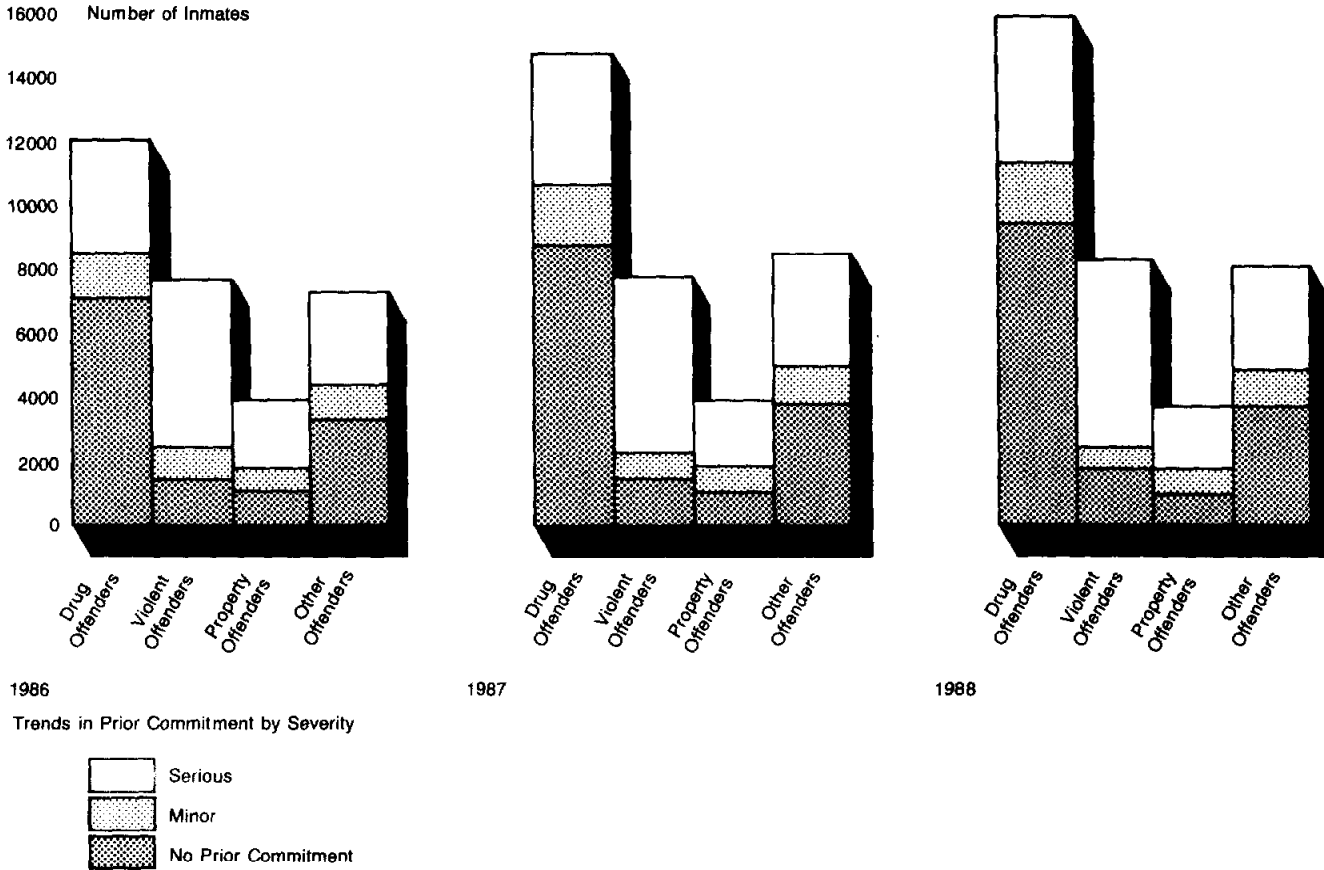
Figure 1.1: Inmates Confined in Federal Penal Institutions by Offense Category^a



^aThe data compared are from 1-day counts in September 1986, September 1987, and September 1988. The figure is based on 31,136, 35,042, and 35,903 cases for 1986, 1987, and 1988, respectively. Not reported in the figure, because data on distribution were unavailable, are 4,037, 3,963, and 3,421 cases for the respective years.

Section 2
Prior Commitments

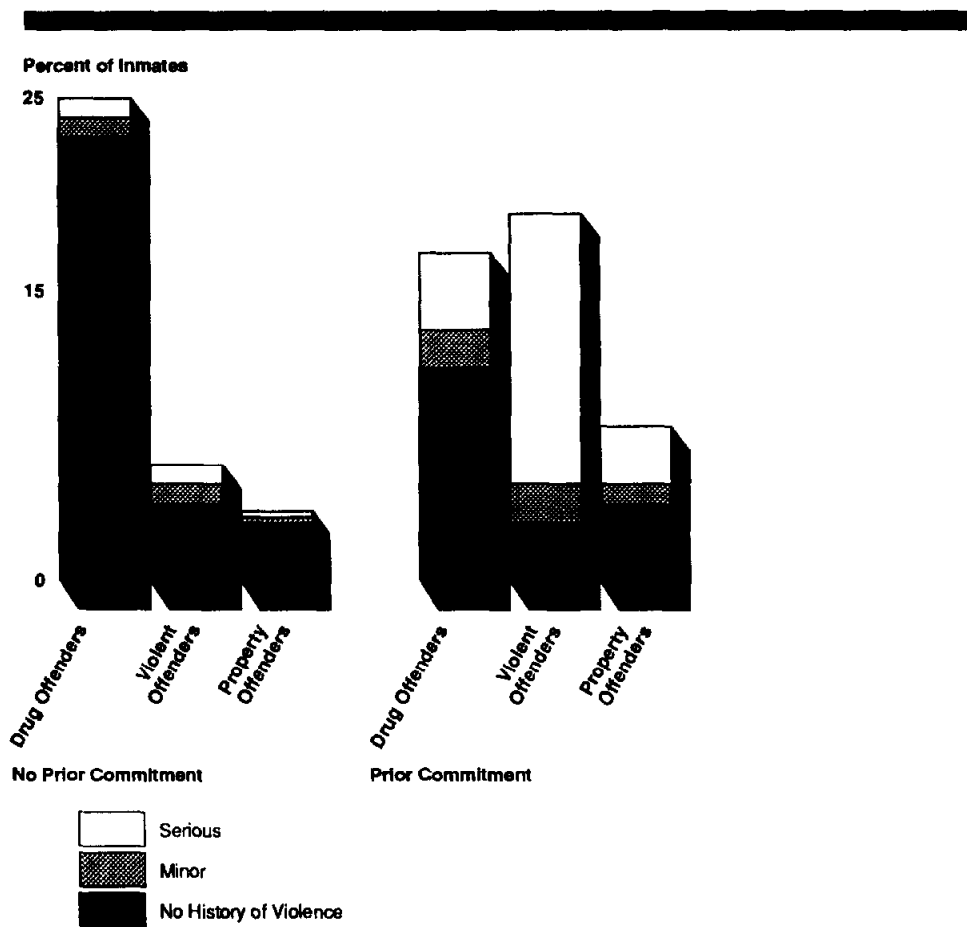
Figure 2.1: Commitment History of Federal Prison Inmates^a



^aThe data compared are from 1-day counts in September 1986, September 1987, and September 1988. Distinctions between minor and serious levels of prior commitment are based on the nature of the most severe offense for which an inmate was previously committed. The figure is based on 31,136, 35,042, and 35,903 cases for 1986, 1987, and 1988, respectively. Not reported in the figure, because data on distribution were unavailable, are 4,037, 3,963, and 3,421 cases for the respective years.

**Section 3
History of Violence**

Figure 3.1: Comparison of Violence History of Federal Inmates^a



^aThe data compared are from 1-day counts in September 1986, September 1987, and September 1988. A history of violence includes an individual's entire background, excluding the current offense. For federal inmates with no prior commitments, this figure is based on 13,164, 15,135, and 15,903 cases for 1986, 1987, and 1988, respectively. Not reported, because data were unavailable, are 1,025, 1,184, and 1,087 cases for the respective years. For federal inmates with prior commitments, this figure is based on 17,972, 19,907, and 20,000 cases for 1986, 1987, and 1988, respectively. Not reported, because data on distribution were unavailable, are 3,012, 2,779, and 2,334 cases for the respective years.

Trends in Sentencing

For an indicator of the size of prison populations in the near future, we asked the Bureau of Prisons for data on length of sentence for the offenders discussed in this fact sheet.³ The relationship between sentence length and the extent of prison crowding is direct. For example, if the increasing number of drug offenders were disproportionately sentenced to short sentences (less than 1 year), then the growth in prison population might be short-lived. If, however, the majority of new offenders were being sentenced to longer stays in prison, the prison population could be expected to grow.

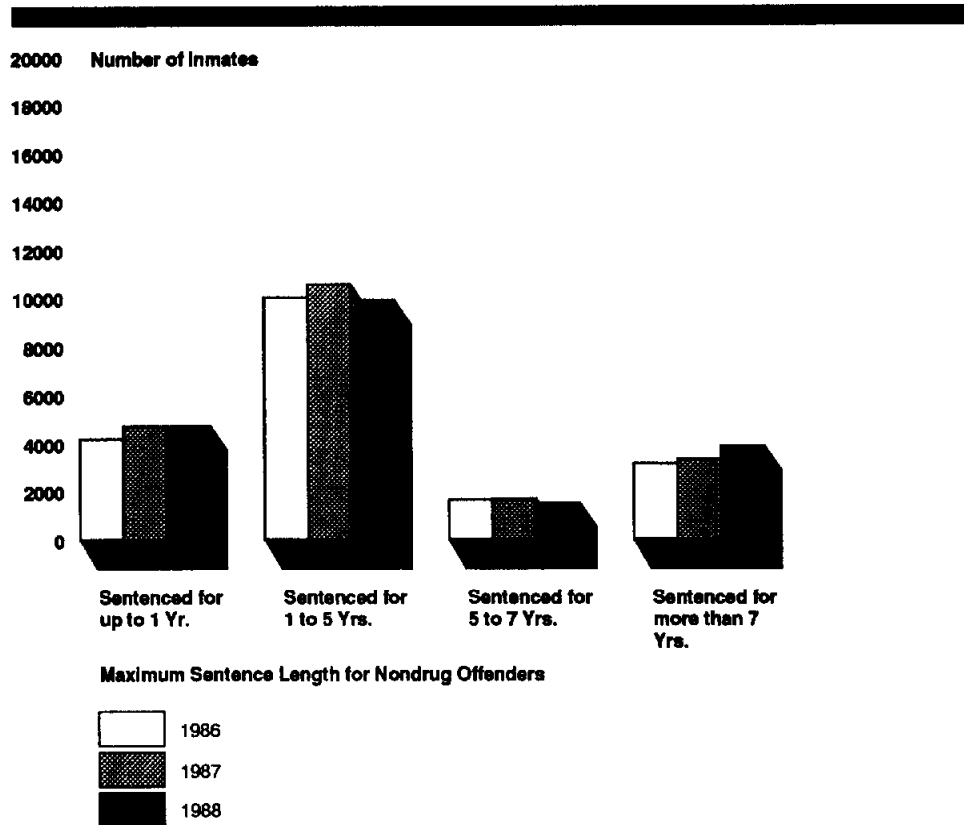
Figures 5.1 and 5.2 show trends in the maximum sentence length for drug offenders and other offenders, respectively.⁴ Figure 5.1 shows a steady increase in moderate and lengthy sentences (greater than 1 year) for drug offenders. This increase occurred during the same period that the number of drug offenders was steadily increasing. For all other inmates (figure 5.2), the numbers sentenced to both short and lengthy prison stays increased while there was a decrease in the number of offenders sentenced to moderate lengths of stay (between 1 and 7 years). These data, specifically the longer sentences for the most rapidly growing segment of the federal prison population, suggest that the prison population will continue to increase.

³All information on sentence length pertains to maximum sentence length and does not reflect changes in actual time served.

⁴Sentence lengths are provided in the categories used by the Bureau.

Section 5
Trends in Sentencing

Figure 5.2: Trends in Sentence Length for Nondrug Offenders^a



^aThe data compared are from 1-day counts in September 1986, September 1987, and September 1988. Figures 5.1 and 5.2 are based on 31,136, 35,042, and 35,903 cases for 1986, 1987, and 1988, respectively. Not reported in these figures, because data on distribution were unavailable, are 4,037, 3,963, and 3,421 cases for the respective years.

Major Contributors to This Report

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Serious Prior Commitment Serious prior commitments include all commitments for offenses classified as “moderate,” “high,” and “greatest” that resulted in incarceration.

No Prior Commitment Used when an offender has not been previously incarcerated.

Violence History This dimension contains three categories. The categorization of history of violence is based on an offender’s criminal history prior to the current offense. It includes information from prior convictions or findings of guilt rendered by a federal or state disciplinary committee. Documented information from juvenile adjudication is used as well, unless the record has been expunged. The severity of violence is defined according to the degree of seriousness of the act that resulted in a conviction or finding of guilt. If there is more than one incident of violence, the most serious is used to determine severity.

Minor History of Violence Examples used by the Federal Bureau of Prisons to classify a person’s history of violence as minor include simple assaults, fights, and domestic squabbles.

Serious History of Violence Examples used by the Bureau to classify a person’s history of violence as serious include aggravated assault, intimidation using a weapon, and incidents involving arson or a weapon.

No History of Violence The category for a person who neither has been committed for a violent crime nor has any record of violent behavior.

Offense Severity This dimension has five categories. Offense severity is determined by the most severe offense for which an individual is currently incarcerated. The Federal Bureau of Prisons employs a five-point scale consisting of lowest, low-moderate, moderate, high, and greatest. The Bureau defines the severity of drug offenses separately.

Lowest Severity Level Property offenses or counterfeiting less than \$2,000, bankruptcy, and use of drugs.

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Low-Moderate Severity Level	Property offenses or counterfeiting involving \$2,000 to \$250,000, violations of alcohol laws, and drug offenses involving up to \$40,000.
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Moderate Severity Level	Property offenses or counterfeiting involving more than \$250,000, assault involving minor injury, and drug offenses involving \$40,000 to \$1 million.
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High Severity Level	Robbery without a weapon or intimidation, arson, extortion, and drug offenses involving \$1 million and above.
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Greatest Severity Level	Robbery with a weapon or intimidation, rape, kidnapping, willful homicide, and espionage.
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Drug Offenses Severity Levels	Severity levels for most drug offenses, which are restricted to the use, manufacture, sale, and distribution of drugs, correspond to the Bureau's five-point scale and are listed above. For persons who have committed multiple drug-related offenses, the severity level is based on the most severe offense, even if the offender was only convicted of a less-severe offense. Since less than 3 percent of the drug offenses discussed in this report were included under either the "lowest" or the "greatest" categories, the lowest and low-moderate categories were combined under "low" and the high and greatest categories under "high."
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Glossary

In this fact sheet, offenders are classified along four dimensions: type of offense, criminal history, violence history, and offense severity. The categories for each dimension are defined below.

Offender Groups

This dimension contains four categories.

Drug Offenders

All individuals sentenced for violation of the federal narcotics laws according to the Federal Bureau of Prisons. This includes offenses pertaining to the use, manufacture, sale, and distribution of drugs or controlled substances.

Violent Offenders

All individuals sentenced for the commission of violent crimes, which include assault, homicide, kidnapping, rape, robbery, injuries resulting from explosives, and threats against the president.

Property Offenders

All individuals sentenced for the violation of property crimes, which include burglary, violation of customs laws, destruction of property, embezzlement, forgery, larceny theft, lottery, mailing or otherwise transporting obscene matter, robbery theft, and violations of the Interstate Commerce Act.

Other Offenders

All individuals sentenced for offenses other than drug, violent, and property offenses as previously defined.

Criminal History

This dimension contains three categories. Prior commitment is defined as a sentence of confinement to a federal, state, or local detention facility for any length of time previous to a present sentence. This may include confinement resulting from juvenile adjudications whose documentation has not been expunged. The categorization is determined by the kind of institution the inmate was incarcerated in before and is based on the nature of the most severe offense that resulted in commitment.

Minor Prior Commitment

Any commitments solely for “low” and “low-moderate” offenses are classified as minor. (See Offense severity.)

Objective, Scope, and Methodology

The General Accounting Office is currently examining alternatives to traditional forms of incarceration. In the early stages of this work, we requested data from the Federal Bureau of Prisons to determine the kinds of offenders who are being sentenced to federal facilities. The purpose of this fact sheet is to convey the information we gathered from the Bureau now rather than wait for the conclusion of our larger study.

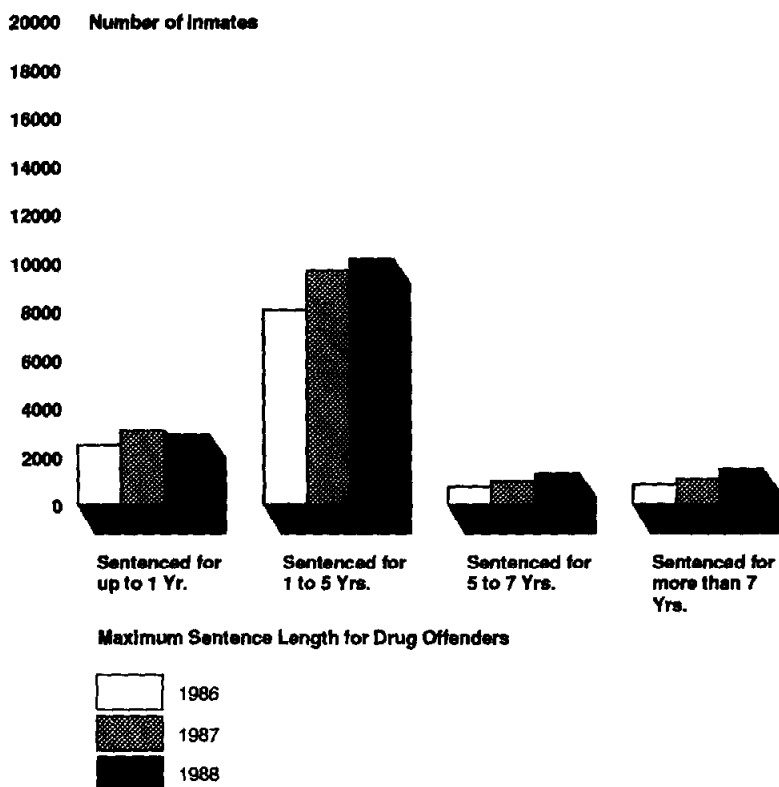
As we mentioned in the letter transmitting this fact sheet, the data come from the Bureau and are for 1-day counts taken in September 1986, September 1987, and September 1988. The data are derived from the automated information system that the Bureau uses to monitor inmates in federal institutions. This system, known as SENTRY, is used to track sentence length and make judgments about appropriate levels of supervision. We did not independently verify the data, although the Bureau did check the data for inconsistencies.

GAO's forthcoming report on overcrowding issues (Prison Expansion: Issues Facing the Nation's Prison Systems, GAO/GGD-90-1) also reports statistics on the federal prison population. These statistics differ from those reported here in a number of instances: for example, the percentage of the prison population composed of drug offenders. These differences are accounted for by a number of factors, including the years sampled, definitions of the population and offender groups covered, and the way in which missing data were used.

Our work was conducted in accordance with generally accepted government auditing standards.

Section 5
Trends in Sentencing

Figure 5.1: Trends in Sentence Length for Drug Offenders^a



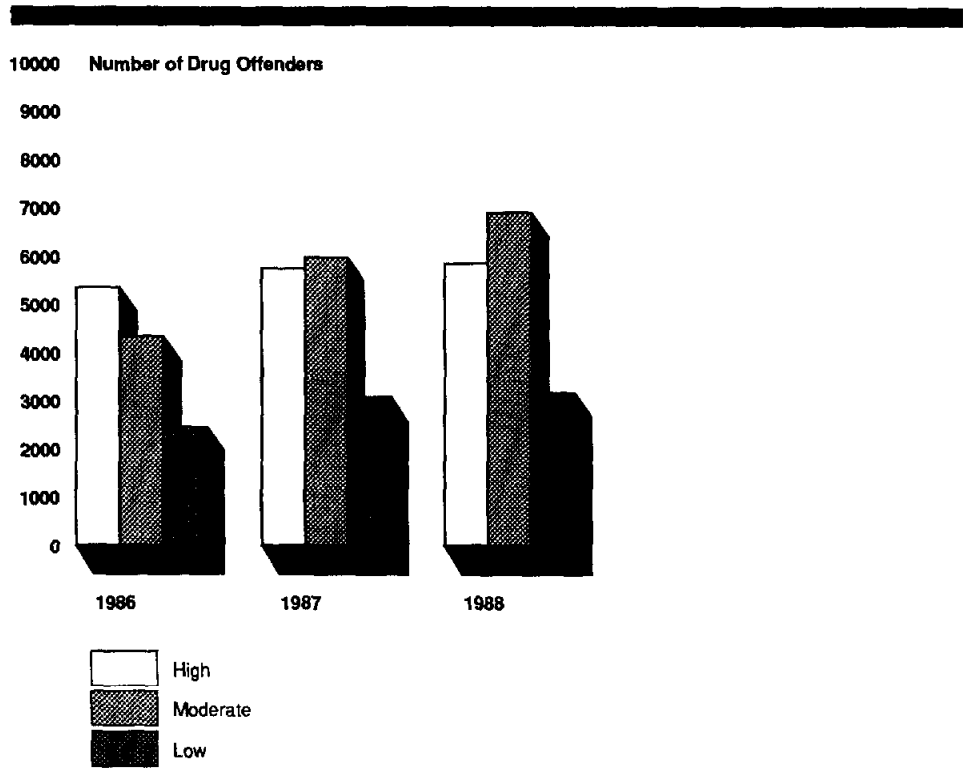
^aThe data compared are from 1-day counts in September 1986, September 1987, and September 1988. Figures 5.1 and 5.2 are based on 31,136, 35,042, and 35,903 cases for 1986, 1987, and 1988, respectively. Not reported in these figures, because data on distribution were unavailable, are 4,037, 3,963, and 3,421 cases for the respective years.

Trends in the Severity of Drug Offenses

The largest inmate group depicted in figure 1.1 is drug offenders. Here we focus on the severity of the offense for which drug offenders were being incarcerated and examine trends over the 2 years September 1986 to September 1988. Two trends appear most prominent in figure 4.1:

- the number of cases for all levels of severity has increased over time and
- moderate drug offenses have replaced serious offenses as the largest proportion of drug offenses for which individuals are sentenced.

Figure 4.1: Trends in the Severity of Current Drug Offenses^a



^aThe data compared are from 1-day counts in September 1986, September 1987, and September 1988. The figure is based on 12,115, 14,782, and 15,889 cases for 1986, 1987, and 1988, respectively. Not reported in the figure, because data on distribution were unavailable, are 60, 16, and 35 cases for the respective years.

History of Violence

The Federal Bureau of Prisons bases its evaluation of inmates' history of violence on prior convictions and disciplinary records (for those previously committed to prison). The Bureau also bases its assessments of the severity of violence on the seriousness of the offense and when it occurred.

Figure 3.1 shows that the overwhelming majority of inmates with no prior commitments have no record of violence. Among drug law violators, the largest group with no prior commitments, 94 percent have no history of violence. For other groups with no prior commitments, we find that 88 percent of property offenders and 73 percent of violent offenders have no history of violence. Even for drug law violators with prior commitments, 62 percent exhibit no history of violence. This is contrasted with violent offenders, among whom 73 percent do have a prior record of serious violence. These data suggest that

- a record of violence among inmates with no prior commitments is unusual and
- a substantial proportion of drug offenders, with and without prior commitments, show no violence history.

Prior Commitments

A fundamental concern with letting inmates out of prison is that they may commit other crimes. This concern is reflected in risk assessment indexes that use a variety of measures to estimate the likelihood that people will commit crime. These measures (for example, number of arrests or convictions) use criminal history as a predictor of criminal behavior. One such measure, and a pragmatic choice because of the ready availability of data, is prior commitment to prison. It should be noted that this measure tends to underestimate an offender's criminal history, because it excludes prior convictions that did not lead to confinement.

Figure 2.1 displays prior commitment history over time for each group of offenders by level of seriousness. In the most recent year, approximately 44 percent of all inmates had no record of prior commitments. For drug law violators, close to 60 percent, or nearly 9,500, had no prior commitments, compared to only 20 percent of violent offenders and 30 percent of property offenders who had no prior commitments.

Figure 2.1 also shows that the prior commitments that are considered serious are the most pronounced among violent offenders and less prevalent for drug offenders. The Bureau's definition of seriousness does not consider the number of prior commitments but evaluates the severity of the most serious prior offense.

Finally, figure 2.1 also shows that the proportion of inmates with no prior commitments has remained fairly constant both within and across groups over time.

Offender Groups in Federal Prisons

Figure 1.1 shows 1-day counts for offenders in federal prison in September 1986, 1987, and 1988.² As can be seen, in 1988 the largest group among the inmate population (made up of nearly 16,000 individuals) consisted of persons sentenced for drug law violations. This group constituted approximately 44 percent of the total population sentenced to Bureau-run institutions. Violent offenders were the second largest group of inmates in 1988, with more than 8,000 offenders, or approximately 23 percent of the population. This group was made up primarily of individuals convicted of robbery.

Figure 1.1 also shows that drug offenders are the only offender group that has substantially increased since September 1986. The increase in this group has been steady, rising from approximately 12,000 in 1986 to 16,000 in 1988. The population of sentenced drug offenders increased by 31 percent between 1986 and 1988, while all other offender populations experienced only a 5-percent increase. Overall, the increase in the number of drug offenders accounted for 79 percent of the growth among those sentenced to federal prison during this same period.

²“Offender groups” and other specialized terms are defined in the glossary.

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of the total increase among those sentenced to prison over that 2-year period.

By September 1988, approximately 44 percent of all federal prisoners had been incarcerated for drug law violations. Within this group, the largest increase was for offenses classified by the Federal Bureau of Prisons as "moderate" while the percentage of those sentenced for serious offenses had declined.

The data provided by the Bureau also show that 44 percent of those sentenced to federal institutions had never been committed to prison before. As might be expected, this figure varied substantially for specific groups, with drug offenders most likely and violent offenders least likely to have no prior commitments.

Data on offenders' histories show that a record of violence is rare among offenders incarcerated for the first time. This is true for all categories of offenders, including drug law violators, among whom more than 90 percent of "first timers" have no history of violence. What is somewhat more surprising is that even among drug law violators with prior commitments, the majority (60 percent) also show no history of violence.

The facts presented in this study provide some insight into what is causing the increases in federal prison populations (that is, the growing numbers of drug offenders being incarcerated) and some characteristics of the offenders being sentenced to federal prisons. These facts are not sufficient to serve as the sole basis for recommending how prison crowding can be reduced. Such recommendations must be supported by a clear understanding of the costs and benefits of options such as increasing prison capacity or placing offenders in programs outside prison. Developing such understanding is the objective of ongoing work at GAO. We expect to deliver a report to you shortly that synthesizes current knowledge about alternatives to traditional incarceration.

Bureau officials were briefed on these findings, and their comments have been incorporated into the body of the report. Unless you announce the contents of this fact sheet earlier, we plan no further distribution of it until 30 days from its date. We will then send copies to the director of the Bureau. In addition, we will make copies available to interested organizations, as appropriate, and to others upon request.

If you have any questions or would like additional information, please call me at (202) 275-1854 or Dr. Michael J. Wargo, Director of Program

