GROWTH IN THE U.S. EX-FELON AND EX-PRISONER POPULATION, 1948 TO 2010

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Abstract

The steep rise in U.S. criminal punishment in recent decades has spurred scholarship on the collateral consequences of imprisonment for individuals, families and communities (Pager 2009; Wakefield and Uggen 2010; Western 2006; Wildeman 2009). While several excellent studies have estimated the size and social distribution of the former prisoner population (Bonczar and Beck 1997; Pettit and Western 2004), far less is known about the size and scope of the total ex-felon population beyond prison walls. This paper extends previous national estimates of the U.S. ex-felon population to 2010 and develops state-level estimates based on demographic life tables (Uggen, Manza and Thompson 2006). The felon population has far-reaching consequences for individuals as well as communities and social institutions, including civic engagement and community health.

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As U.S. rates of criminal punishment have increased dramatically over the past 40 years, social scientists have begun to document and explicate the far-flung consequences of incarceration (see, e.g., Wakefield and Uggen 2010). As Figure 1 demonstrates, however, the lion's share of this growth has been among the *non*-incarcerated population of probationers and parolees who are supervised in their communities. Such trends have important social and demographic consequences, as those subject to criminal sanctions face restrictions on employment, housing, voting, and welfare receipt, as well as long-term effects on physical and mental health (Ewald and Uggen 2011; Massoglia 2008; Schnittker and John 2007).
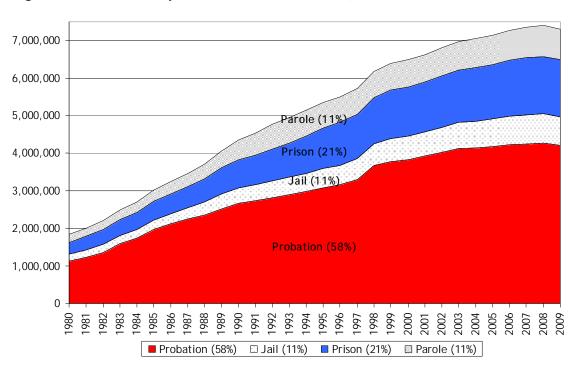
Figure 1 - Correctional Populations in the United States, 1980-2009

Although felonies are considered serious crimes and are punishable by imprisonment, not all felons spend time in prison. Many serve short stints in jail or start and finish their sentences on probation in their communities. There are today over 7.2 million adults on probation, parole or in jail or prison (Glaze 2010). While such information on those *currently* under supervision is relatively easy to

obtain from government data sources, such information is not readily available on the number of *former* felons in the population. In this paper, we compile and present national and state-level estimates based on demographic life tables for persons exiting prison, felony probation, and jail each year.

Data and Methodology

Our data sources include multiple reports and data sources from the United States Department of Justice (DOJ), including the annual *Sourcebook of Criminal Justice Statistics*, *Probation and Parole in the United States*, as well as the *Prisoners* and *Jail Inmates at Midyear* series. For early years, we also referenced *National Prisoner Statistics*, and *Race of Prisoners Admitted to State and Federal Institutions, 1926-1986*. We determined the median age of released prisoners based on annual data from the National Corrections Reporting Program. Our recidivism data are based on large-scale national samples of prison releasees and probationers to establish the number reincarcerated. We then compiled demographic life tables for the period 1948-2010 to determine the number of released felons lost to recidivism (and therefore already included in our annual head counts) and to mortality each year. This allows us to compute the number of ex-felons no longer under correctional supervision. Based on evidence from national studies of probationer and parolee recidivism, we assume that most ex-prisoners will be re-incarcerated and a smaller percentage of ex-probationers and jail inmates will cycle back through the criminal justice system. We also assume a substantially higher mortality rate for felons relative to the nonfelon population. Both recidivists and deaths are removed from the ex-felon pool so as not to overestimate the number of ex-felons in the population. Each release cohort is thus reduced each successive year and added to each new cohort of releases. This allows us to compute the number of ex-felons no longer under criminal justice supervision each year.

We made a number of simplifying assumptions in obtaining these estimates. First, the recidivism rate we use to decrease the releasee population each year is based upon the Bureau of Justice Statistics (1989) "Recidivism of Prisoners Released in 1983" study and "Recidivism of Felons on Probation 1986-1989." For prisoners and parolees, we use a reincarceration rate of 18.6% at one year, 32.8% at two years, 41.4% at 3 years. Although rearrest rates have increased since 1983, the overall reconviction and reincarceration rates used for this study are much more stable (Langan and Levin 2002, p. 11). For probationers and jail inmates, the corresponding three-year failure rate is 36%, meaning that individuals are in prison or jail and therefore counted in a different population. To extend the analysis to subsequent years, we calculated a trend line using the ratio of increases provided by Hoffman and Stone-Meierhoefer (1980) on federal prisoners. By year 10, we estimate a 59.4% recidivism rate among

released prisoners and parolees, which increases to 65.9% by year 62 (the longest observation period in this analysis). Because these estimates are higher than most long-term recidivism studies, they are likely to yield conservative estimates of the ex-felon population. We apply the same trend line to the 3-year probation and jail recidivism rate 36%; by year 62, the recidivism rate is 57.3%.

We begin by applying these recidivism rates to all felon populations, then relax this assumption in subanalyses. As a result, our initial estimates may slightly overestimate "surviving" ex-felon groups with high recidivism rates while underestimating groups with lower recidivism rates. We calculate mortality based on the expected number of deaths for African American males at the median age of release for each year, multiplied by a factor of 1.46 to reflect the higher death rates observed among releasees in the Bureau of Justice Statistics' *Recidivism of Prisoners Released in 1983* study.

Our second simplifying assumption concerns our start date for calculating ex-felons. We begin following these groups in 1948 primarily for data reasons; 1948 is the earliest year for which detailed data are available on releases from supervision. As a result, when we cumulate the number of remaining (non-recidivists, non-deceased) ex-felons, our estimates are actually for individuals released 1948 or later. This may slightly underestimate the number of ex-felons in earlier years, but should have little effect on more recent years since less than 2 percent of 1948 releases remain in the ex-felon population by 2010. To account for this problem in our earlier estimates, we add to our calculated ex-felon population an estimate of ex-felons released in the years 1925 through 1947. This is done by taking all prison releases in these years, reducing for death and recidivism, and adding the number remaining to each year's total.

The third assumption made by this estimation technique concerns the sex and race of released felons. Historical data reporting race and sex of most correctional populations are typically reported for prison populations, but difficult to obtain for other correctional populations. Prior to the mid-1970s, we used race and sex data for prison to estimate the race and sex distributions in the jail, probation, and parole populations. This estimation entailed starting with the earliest year for which we have race and sex information for the specific correctional population (e.g., probation) and altering this number based on the percent change in the prison population with that same characteristic. As a result, our estimate of the sex and race of the ex-felon population assumes stability in the ratio of African American probationers (and parolees) to African American prisoners over time. This assumption is not necessary in our prison-only estimates, however, since adequate historical data are available for this population.

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In our estimates of the ex-prison and ex-felon populations, we make two alterations to our original methodology to account for the higher rate of recidivism among male and among African American offenders. We first recalculate ex-prisoner estimates using the higher three-year rate of 45.3% for African American prisoners, as reported by the 1983 recidivism study. By applying the trend line (used for the total population estimates) to this higher 3-year rate, we estimate a lifetime (57th year) recidivism rate of 72.2% for African American ex-prisoners. Using the same logic, we calculate a 62.7% lifetime recidivism rate for African American probationers.

Results

National-Level Estimates

We begin with estimates of the total number of current and ex-prisoners. Based on our Bureau of Justice Statistics sources, there are currently 2.5 million adults in prison and on parole in the U.S. Added to this are 5.2 million former prisoners in the population, which leads to a total of 7.7 million current and ex-prisoners in the U.S. As shown in Figure 2, this number has changed substantially over time, particularly since the 1970s. Note that numbers for 2010 are estimates based on extrapolating the rate of increase from 2008 to 2009 onto 2009 to 2010.

Figure 2 – Growth of Prisoners and Former Prisoners in the U.S., 1948-2010
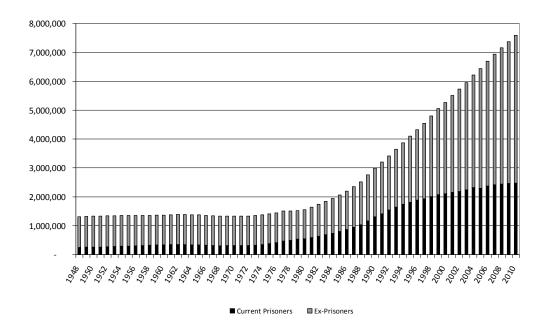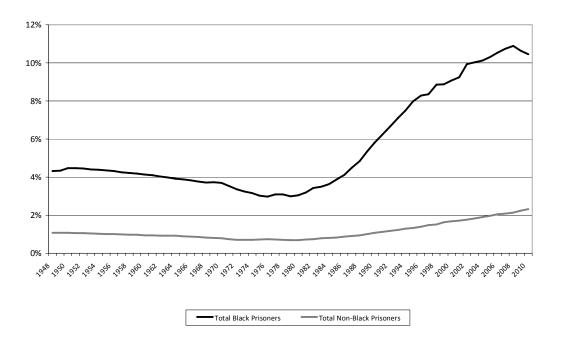
Figure 3 shows these changes from another vantage point, expressing them as a percentage of the U.S. voting age population since 1948 and broken out by African Americans and Non-African Americans. This graph highlights the disparity in incarceration between African American and non-African American populations. While both have experienced substantial increases, both absolute rates and the rate of growth have been higher for African Americans.
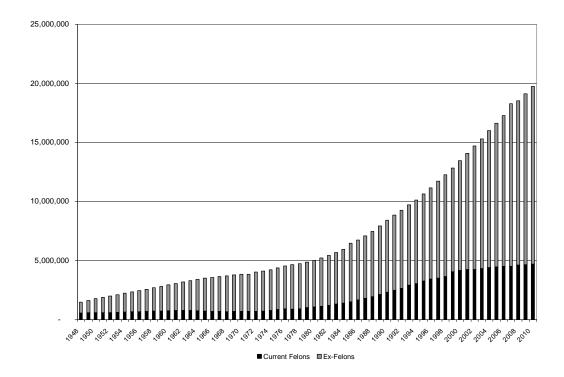
Figure 3 – U.S. Prisoners and Estimated Ex-Prisoners as a Percentage of Adult Population by Race, 1948-2010

As Figure 3 demonstrates, prisoners and former prisoners have grown significantly as a percentage of the non-African American adult population since the 1980s, reaching 2.3% in 2010, compared to approximately 1% in 1980. For African-Americans, the percent of adults who are prisoners or former prisoners has grown from 3% in 1980 to over 10% in 2010.

Although imprisonment is a serious consequence of felony conviction, most felons never enter prison but instead serve their sentences in jail or on probation in the community. Therefore, we estimate the total number of ex-felons by including those leaving felony probation and jail each year. Figure 4 shows the growth in the total number of ex-felons in the U.S. population since 1948.

Figure 4 – Growth of Felons and Ex-felons, 1948-2010

As with ex-prisoners, we also represent the total ex-felon population as a percentage of the U.S. adult population in Figure 5 by African American and non-African American populations (with estimates for 2010). The total number of non-African American ex-felons has grown from 2.5% of the adult population in 1980 to over 6% in 2010. For African-Americans, ex-felons have increased from 7.6% in 1980 to over 25% in 2010. Probationers have lower recidivism rates than prisoners, such that the smaller percentage of former probationers is removed from the ex-felon pool each year. This results in a rapid cumulation of ex-felons in the population and a higher ratio of former felons to current felons relative to the ratio of former prisoners to current prisoners.
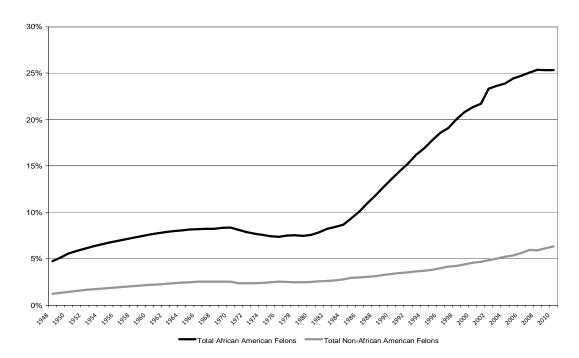
Figure 5 – U.S. Felons and Estimated Ex-felons as Percent of U.S. Adult Population, 1968-2010

Preliminary State-Level Estimates

While national numbers provide an overall picture of ex-felon and ex-prisoner populations in the United States, the distributions of these populations vary significantly by state. Here we present preliminary estimates of these groups for select states with a history of imposing post-release disenfranchisement measures.[1] These numbers should be regarded with caution, as they are preliminary and have not been adjusted for differential mobility patterns across states.

Figures 6 and 7 display the percent of state voting age populations for total prisoners and total ex-felons, respectively, for 2009 (the most recent year with state-level data available).

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[1] Estimates for all 50 states will be complete for the PAA presentation on April 1, 2011

Figure 6 – Prisoners and Estimated Ex-Prisoners as Percent of Adult Population for Select States, 2009
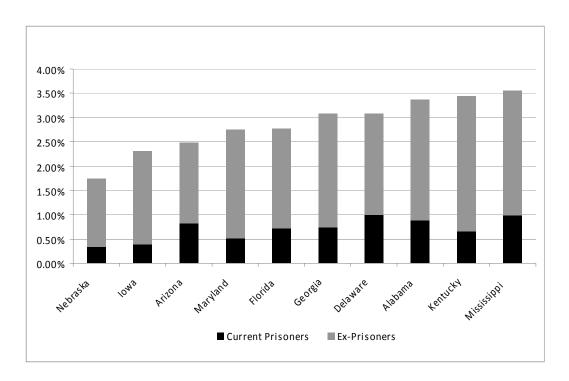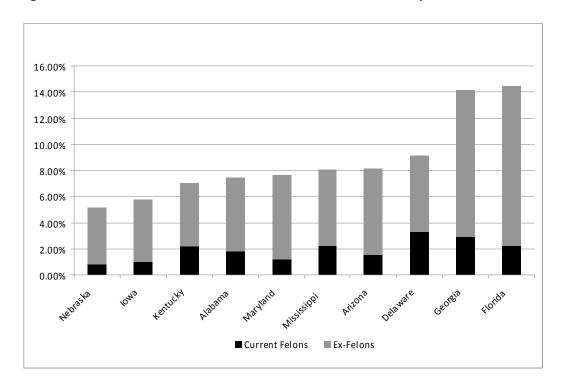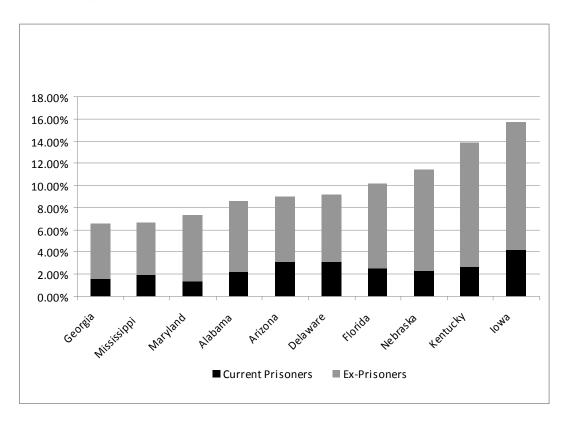

Figure 7 – Current and Estimated Ex-Felons as Percent of Adult Population for Select States, 2009
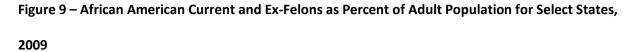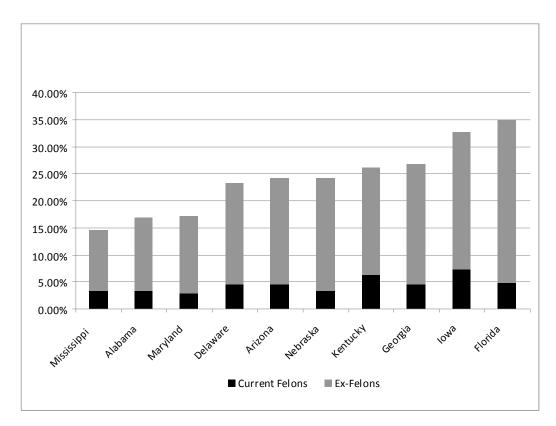
Consistent with incarceration patterns, states such as Mississippi and Kentucky show high rates of former prisoners, while states such as Nebraska and Iowa show comparatively low rates. In Figure 7, states that make more extensive use of probation, such as Florida and Georgia, show the highest rates of current and former felons – up to over 14% in Florida.

As with the national estimates, we also examine total prison and felon populations by race in each state. We caution that these estimates are extremely sensitive to small shifts in the baseline African American population for states such as Iowa, with high rates of racial disparity and a small African American population base. Figures 8 and 9 depict these results for African Americans in each state.

Figure 8 – African American Current and Estimated Ex-Prisoners as Percent of Adult Population for Select States, 2009

Figure 9 – African American Current and Ex-Felons as Percent of Adult Population for Select States, 2009

While the total felon and ex-felon rate of 30% may seem implausibly high in states such as Iowa, it is important to note that the *current* felon population is 7.7% in that state. This is based on a "head count" of correctional populations rather than an assumption-laden estimate. As each successive cohort of current felons enters the state's population, the numbers cumulate rapidly, such that the former felon population has reached 25%. When combined, the total ex-felon population thus reaches almost one-third of the African American population in that state.

Discussion

        This paper has described growth in the size and social distribution of the American "criminal class." If we use current or former imprisonment as the criterion for class membership, we estimate its size at approximately 7.7 million people at year-end 2010. By our estimates, about 3.4 percent of the

adult voting age population have once served or are currently serving time in a state or federal prison. If we adopt a more inclusive definition of the criminal class, including all convicted of a felony regardless of imprisonment, these numbers increase to 19.8 million persons, representing 8.6 percent of the adult population and approximately one-third of the African American adult male population. Any group of this size will have profound and far-reaching social, political, and demographic consequences. Because the felon population is drawn so heavily from the most disadvantaged groups in American society, however, understanding this group's historical growth and current size is vitally important for understanding and addressing U.S. social inequalities.

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