

# Equal Justice Initiative

## Criminal Justice Issues and Prisoners' Rights

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11.08.13

In a report released this week, the Urban Institute, a nonprofit, nonpartisan policy research and educational organization, says major changes in sentencing and early release policies are required to address overcrowding in federal prisons, which are now over capacity by at least a third.

Mass incarceration has skyrocketed nationwide in recent decades, and the federal prison system today houses almost ten times the number of inmates as in 1980. These prisons will consume more than 30 percent of the United States Justice Departments budget by 2020, according to the Urban Institute study.

Federal prisons house more than 219,000 inmates, about half of whom are drug offenders. The facilities are 3540 percent above capacity, the result of more people being sent to prison for longer terms, particularly for drug crimes, pursuant to mandatory minimum sentencing laws enacted in the 1980s and 1990s. If no changes are made, in ten years, federal prisons will be more than 55 percent over capacity.

To stem the unsustainable growth in the prison population without impairing public safety, the report recommends a multi-pronged approach. (The situation is so dire that no single policy change will make enough of a dent; cutting mandatory minimum sentences for drug crimes by half would still leave federal prisons at 20 percent above capacity in ten years.)

In addition to cutting mandatory minimum sentences for drug offenses in half, the report recommends that Congress should retroactively apply the changes it passed in 2010 to increase the parity between crack and powder cocaine sentences and offer early release credits to inmates who participate in recidivism reduction programs. Together, these policy changes could save roughly \$3 billion in ten years and virtually eliminate federal prison overcrowding.

The high costs of incarceration are motivating members of Congress across the political spectrum to push legislation to reduce federal prison terms or give judges more flexibility in sentencing.

Sky-high prison costs are a major burden on our federal budget and threaten other law-enforcement priorities, said Senator Sheldon Whitehouse (D-RI), chairman of the Senate Crime and Terrorism Subcommittee. States across the country have adopted reforms that have reduced recidivism and cut costs, said Representative Frank Wolf (R-VA), chairman of the House Commerce-Justice-Science Appropriations Subcommittee. Its long past time for the federal government to learn from successful state reforms and apply them to the federal system.

Theres been a tendency in the past to mete out sentences that frankly are excessive, United States Attorney General Eric Holder said at a news conference on Monday. Given financial constraints, he said, We have to really rethink our priorities.

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