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A Matter of Time

The Causes and Consequences of Rising Time Served in America's Prisons

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This document is the executive summary for the feature "A Matter of Time: The Causes and Consequences of Rising Time Served in America's Prisons," which can be found at http://www.urbn.is/time.

Policymakers on both sides of the aisle now recognize mass incarceration as a costly and dangerous problem. Yet many criminal justice reforms focus only on low-level offenses while the longest prison terms continue to grow even longer. These long terms keep prison populations high and prevent states from meaningfully addressing mass incarceration. The conversation around reform must begin to include people convicted of serious offenses and consider not just how many people go to prison but how long they stay there.

The Hidden Story of Rising Time Served

People are spending more time in prison, and the longest prison terms are getting longer. Since 2000, average time served has risen in all 44 states that reported complete data to the National Corrections Reporting Program. In states with more extensive data, we can trace the rise back to the 1980s and 1990s. In nearly half the states we looked at, the average length of the top 10 percent of prison terms increased by more than five years between 2000 and 2014.

    The increase in time served has been sharpest among people convicted of violent offenses. These changes have an outsized effect on prison populations because people convicted of violent offenses make up more than half the people in state prisons and the majority of people with long terms.

    Longer terms are growing in number and as a share of the prison population. In 35 states, at least 1 in 10 people in prison have been there for a decade or more. This is even higher—nearly 1 in 4 people— in states like California and Michigan. In at least 11 states, the number of people who have served at least a decade has more than doubled since 2000.

These trends aren't accidental, and that they vary so much across states suggests that the growth in time served is driven by state-level decisionmaking. States grappling with expanding prison populations must include those serving the longest prison terms in their efforts to curb mass incarceration.

The Unequal Burden of Long Prison Terms

Incarceration affects some people and communities more than others, and these patterns are often more pronounced among those who spend the most time in prison.

In 35 of the 44 states we looked at, **racial disparities in prisons were starkest among people serving the longest 10 percent of terms.** In recent years, racial disparities have decreased among people serving less than 10 years, but 18 states actually saw an increase in disparities among people serving longer terms.

Nearly two in five people serving the longest prison terms were incarcerated before age 25, despite research that shows the brain is still developing through age 24 and that people tend to age out of criminal behavior. Thousands have been in prison for more than half their lives. **One in five people in prison for at least 10 years is a black man incarcerated before age 25.**

A growing share of women in prison have served more than 10 years. In Michigan, for example, 8 percent of women in prison had served at least a decade as of 2000; by 2013, that number was 13 percent. In Wisconsin, this figure rose from 1.8 to 6.5 percent over the same period. In light of this trend, more research is needed to understand how women are uniquely affected by long-term incarceration.

More than one in three people serving the longest prison terms is at least 55 years old. More people serving longer terms means that more people are growing old in prison, yet prisons are typically ill-equipped to address the needs of the elderly and disabled.

Shortening long prison terms won't be enough to fix the criminal justice system. To fully address these issues, we must take a hard look at the systemic inequalities driving these patterns.

The Personal Costs of Long-Term Incarceration

Long prison terms exact personal costs not just on those incarcerated but their families as well. Being in prison for 20, 30, or 40 years means that loss is inevitable. Relationships are hard to maintain. The constant stress of a lifetime of incarceration inflicts damage that remains even after release. Meanwhile, communities are fundamentally altered as more of their men and women vanish into prisons for years, sometimes forever.

Returning home after decades in prison often means starting over at an age when most people are already established in life. Many who return from prison have outlived their parents or lost their partners and thus lack stable housing or a support system. Some struggle with mental and physical health problems, drug addiction, and the shock of reentering society.

How Policy Decisions Keep People in Prison

The steady increase in long prison terms is the result of deliberate policy decisions. In the 1970s, rising crime, social tensions, and growing skepticism toward rehabilitation led to a wave of "tough-on-crime" policies that favored rigid, certain, and severe punishment and have contributed to the steady increase in long prison terms. States enacted these punitive changes at the front and back ends of the criminal justice system.

At the front end, new policies made sentences longer and established fixed penalties that left judges powerless to consider the circumstances of each case. Tougher sentences undermined the important goals of proportionality and parsimony and led to lengthy terms for even low-level crimes. At the back end, many states increased the minimum amount of a sentence people must serve and removed or restricted release options like parole. By erasing opportunities to earn an earlier release, these policies removed incentives for people to undergo the transformative personal growth that prevents reoffending.

It has taken years for the consequences of these punitive policies to fully manifest, expanding prison populations and straining state budgets as people serving long prison terms stack up. Today, many states continue to uphold tough-on-crime policies and practices despite decades of evidence that they have been largely ineffective—and even counterproductive—in accomplishing public safety goals.

Charting a New Path

Our national reliance on long-term incarceration as a solution to violence has exacted a steep toll. Yet decades of experience have revealed long prison terms to be a weak antidote to the underlying problems that cause violence and a painfully inadequate answer to victims' calls for resolution and healing.

Long-term incarceration fails to hold people accountable for their crimes, motivate them to make positive change, address victims' needs, or even deter crime. We must develop more fair and effective responses to serious crime. Although states have shown a growing commitment to invest in alternatives to incarceration for youth and adults who commit low-level offenses, there has been little investment in alternatives for adults who commit serious offenses.

Our research and our conversations with people who have served long prison terms, survivors of violent crime, policy experts, and practitioners have led us to a set of core principles we believe should guide decisionmaking:

- Sentences should be proportionate to the offense and the circumstances surrounding it.

- Punishments should be no more severe than necessary to achieve safety and justice.

- Victims must be offered more than one way of seeking justice.

- Everyone deserves a meaningful chance of release.

- Reforms must seek to dismantle systemic disparities.

Guided by these principles, we recommend the following changes to policy and practice:

- Allow for individualized sentencing and release decisions.

- Introduce or expand opportunities and incentives for early release.

- Ensure that people convicted of serious crimes have the resources needed to understand their behavior and become truly accountable for their actions.

- Assess candidates for parole based on who they are now, not on the seriousness of the original offense.

- Establish a standard of presumptive parole.

- Build more effective approaches to community supervision that allow people to return to their communities sooner without jeopardizing public safety.

- Provide specialized reentry programming for people serving long prison terms.

- Invest in promising alternatives to long prison terms for people who commit serious crimes.

- Commit to policies and practices that reduce systemic disparities.

- Invest in prevention.

As states invest more seriously in preventing crime in innovative ways, they must first dismantle the disastrous policies that have inflicted so much damage while doing little to address the real problems of crime.

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