



Bureau of Justice Statistics Special Report

January 2002, NCJ 189430

Prisoner Petitions Filed in U.S. District Courts, 2000, with Trends 1980-2000

By John Scalia
BJS Statistician

The growth in the Nation's prison population from 1980 to 1996 was accompanied by an increase in prisoner litigation in the Federal courts. The number of prisoner petitions filed by Federal and State inmates in U.S. district courts increased from 23,230 in 1980 to a high of 68,235 in 1996.

Since enactment of the Prison Litigation Reform Act (PLRA) in 1996 the number of civil rights petitions filed in the U.S. district courts has decreased. Between 1995 (the year before implementation) and 2000, the number of civil rights petitions decreased from 41,679 to 25,504. The filing rate – number of civil rights petitions filed per 1,000 inmates – fell from 37 to 19.

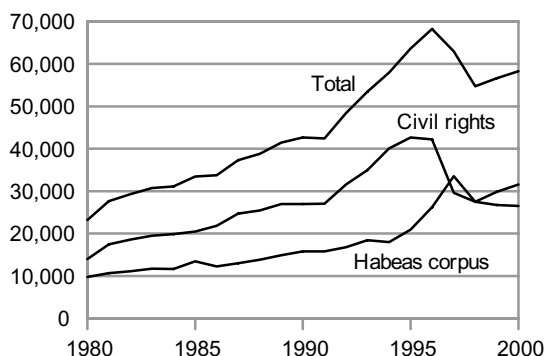
By contrast, since the enactment of the Antiterrorism and Effective Death Penalty Act (AEDPA), which was enacted at the same time as the PLRA, the number of habeas corpus petitions filed, which include 28 USC § 2255 motions to vacate a sentence, has increased. Between 1995 and 2000, the total number of habeas corpus petitions filed increased from 20,958 to 31,556. The filing rate increased from 19 to 23 per 1,000 inmates.

Petitions filed during 2000

During 2000 the approximate 1.4 million Federal and State prison inmates filed 58,257 petitions in U.S.

Highlights

From 1995 to 2000 the number of civil rights petitions filed by prison inmates decreased 39%, as the number of habeas corpus petitions increased 50%



- During 2000, 58,257 prisoner petitions were filed in U.S. district courts — 80% by State prison inmates and 20% by Federal inmates.

- The majority of petitions filed during 2000 were habeas corpus petitions (43%) or petitions by Federal inmates challenging the constitutionality of an imposed sentence (11%); 44% alleged civil rights violations; and 2% were mandamus actions.

- The 1996 Prison Litigation Reform Act appears to have resulted in a decrease in the number of civil rights petitions filed by State and Federal prison inmates. They filed 41,679 petitions during 1995 compared to 25,504 during 2000.

- Between 1995 and 2000 the rate at which Federal and State prison inmates filed civil rights petitions decreased from 37 to 19 per 1,000 inmates.

- The 1996 Antiterrorism and Effective Death Penalty Act appears to have resulted in an increase in the number of habeas corpus petitions filed by State prison inmates. State prison inmates filed 50% more habeas corpus petitions during 2000 (21,345) than during 1995 (13,627).

- Between 1995 and 2000 the rate at which State prison inmates filed habeas corpus petitions increased from 13 to 17 per 1,000 inmates.

district courts – or 42 petitions for each

1,000 prisoners incarcerated (table 1; figure 1). Prior to 1997 the number of civil rights petitions filed annually was greater than the number of habeas corpus petitions. Beginning in 1997

Table 1. Prisoner petitions filed in U.S. district court by Federal and State inmates, 1980-2000

| Year | Jurisdiction and type of petition | | | | | | | | | |
|------|-----------------------------------|---------|-----------------|---------------|----------|--------------|--------|---------------|----------|--------------|
| | Total | Federal | | | | | State | | | |
| | | Total | Vacate sentence | Habeas corpus | Mandamus | Civil rights | Total | Habeas corpus | Mandamus | Civil rights |
| 1980 | 23,230 | 3,661 | 1,322 | 1,413 | 323 | 603 | 19,569 | 7,029 | 145 | 12,395 |
| 1981 | 27,655 | 4,053 | 1,248 | 1,629 | 342 | 834 | 23,602 | 7,786 | 177 | 15,639 |
| 1982 | 29,275 | 4,328 | 1,186 | 1,927 | 381 | 834 | 24,947 | 8,036 | 172 | 16,739 |
| 1983 | 30,765 | 4,354 | 1,311 | 1,914 | 339 | 790 | 26,411 | 8,523 | 202 | 17,686 |
| 1984 | 31,093 | 4,526 | 1,427 | 1,905 | 372 | 822 | 26,567 | 8,335 | 198 | 18,034 |
| 1985 | 33,452 | 6,262 | 1,527 | 3,405 | 373 | 957 | 27,190 | 8,520 | 180 | 18,490 |
| 1986 | 33,758 | 4,432 | 1,556 | 1,679 | 427 | 770 | 29,326 | 9,040 | 215 | 20,071 |
| 1987 | 37,279 | 4,507 | 1,664 | 1,808 | 313 | 722 | 32,772 | 9,524 | 276 | 22,972 |
| 1988 | 38,825 | 5,130 | 2,071 | 1,867 | 330 | 862 | 33,695 | 9,867 | 270 | 23,558 |
| 1989 | 41,472 | 5,577 | 2,526 | 1,818 | 315 | 918 | 35,895 | 10,545 | 311 | 25,039 |
| 1990 | 42,623 | 6,611 | 2,970 | 1,967 | 525 | 1,149 | 36,012 | 10,817 | 352 | 24,843 |
| 1991 | 42,452 | 6,817 | 3,328 | 2,112 | 378 | 999 | 35,635 | 10,325 | 267 | 25,043 |
| 1992 | 48,417 | 6,997 | 3,983 | 1,507 | 597 | 910 | 41,420 | 11,296 | 479 | 29,645 |
| 1993 | 53,436 | 8,456 | 5,379 | 1,467 | 695 | 915 | 44,980 | 11,574 | 388 | 33,018 |
| 1994 | 57,928 | 7,700 | 4,628 | 1,441 | 491 | 1,140 | 50,228 | 11,908 | 395 | 37,925 |
| 1995 | 63,634 | 8,951 | 5,988 | 1,343 | 510 | 1,110 | 54,593 | 13,627 | 397 | 40,569 |
| 1996 | 68,235 | 13,069 | 9,729 | 1,703 | 418 | 1,219 | 55,166 | 14,726 | 444 | 39,996 |
| 1997 | 62,966 | 14,952 | 11,675 | 1,902 | 401 | 974 | 48,011 | 19,956 | 397 | 27,658 |
| 1998 | 54,715 | 9,937 | 6,287 | 2,321 | 346 | 983 | 44,777 | 18,838 | 461 | 25,478 |
| 1999 | 56,603 | 10,859 | 5,752 | 3,590 | 555 | 962 | 45,738 | 20,493 | 513 | 24,732 |
| 2000 | 58,257 | 11,880 | 6,341 | 3,870 | 628 | 1,041 | 46,371 | 21,345 | 563 | 24,463 |

Note: Detail does not add to total, which includes local jurisdiction cases from outlying territories. Data source: Administrative Office of the U.S. Courts, Report of the Proceedings of the Judicial Conference of the United States, annual (table C-2).

Petitions by State inmates

Eighty percent of prisoner petitions were filed by State prison inmates (table 1). More than half (53%) of the petitions filed by State inmates during 2000 alleged civil rights violations; 46% were habeas corpus petitions; and 1% mandamus actions. Overall, 38 prisoner petitions were filed in U.S. district courts per 1,000 State prison inmates (figure 1).

By contrast to prior years, during 2000 the rate at which State inmates filed habeas corpus petitions (17 per 1,000 inmates) was closer to the rate at which they filed civil rights petitions (20 per 1,000). Before 1996 State inmates filed civil rights petitions at more than twice the rate at which they filed habeas corpus petitions.

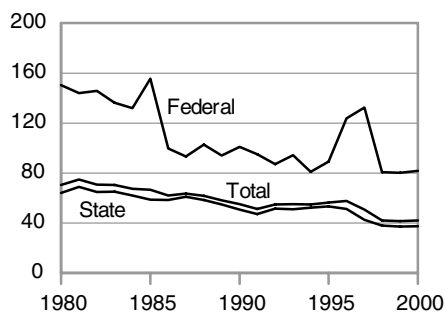
During 2000 inmates incarcerated in the South filed almost half of all State prisoner petitions (table 2). Inmates incarcerated in southern prisons filed 53% of all petitions alleging civil rights violations and 42% of all habeas corpus petitions. Inmates incarcerated

in the West filed 23% of all petitions; those incarcerated in the Midwest, 15%; and in the Northeast, 14%.

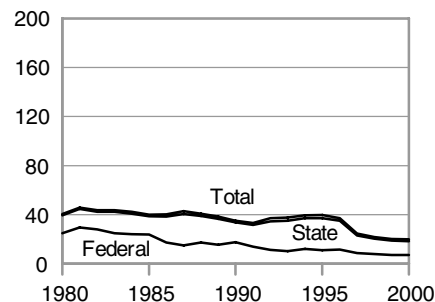
Southern States account for about 45% of the Nation's State prison population. Inmates incarcerated in southern prisons did not file petitions at a substantially greater rate (number per 1,000 inmates) than those incarcerated in the Northeast or West. In these three regions about 40 petitions were filed per 1,000 prisoners. Inmates incarcerated in the Midwest filed petitions at a lower rate (29 petitions per 1,000 prisoners) than those in the other regions.

Inmates incarcerated in New Mexico (77 per 1,000 inmates), Arkansas (65), Virginia (68), Pennsylvania (55), Indiana (55), West Virginia (51), and Alabama (51) filed petitions at the greatest rates (figure 2). By contrast, inmates incarcerated in Alaska (6 per 1,000), Utah (6), North Dakota (8), Rhode Island (10), Hawaii (12), Connecticut (19), and Ohio (19) filed petitions at the lowest rates.

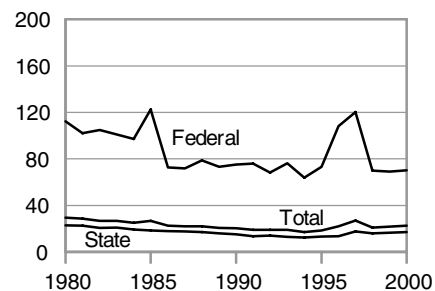
Total number of prisoner petitions filed per 1,000 inmates



Civil rights petitions filed per 1,000 inmates



Habeas corpus petitions filed per 1,000 inmates



Note: Federal habeas corpus includes § 2255 motions to vacate a sentence.

Figure 1

Petitions by Federal inmates

Twenty percent of prisoner petitions were filed by Federal prison inmates. The majority of petitions filed by Federal inmates were either habeas corpus petitions (33%) or motions filed pursuant to 28 U.S.C. § 2255 seeking to vacate the sentence imposed (53%); about 9% alleged civil rights violations; and 5% were mandamus actions (table 1).

Overall, 82 prisoner petitions were filed in U.S. district courts for every 1,000 Federal prison inmates; 44 petitions

seeking to vacate the sentence; 27 habeas corpus; 7 civil rights; and 4 mandamus (figure 1). The higher filing rate for Federal prison inmates compared to State inmates generally reflects the original jurisdiction that Federal courts have over matters dealing with Federal offenders.

Legislative initiatives to reduce prisoner litigation

In 1980 the Civil Rights of Institutionalized Persons Act of 1980 (CRIPA) was enacted to reduce the number of civil rights petitions filed in the Federal courts. As part of this act, State prison inmates were required to exhaust State-level administrative remedies before filing their petitions in the Federal courts (42 U.S.C. § 1997(e)). Thus Congress sought to reserve the Federal courts for more serious civil rights violations or other significant constitutional issues.

However, after enactment of CRIPA the number of civil rights petitions filed in the Federal courts by State inmates continued to increase through the 1980's and the 1990's – increasing more than threefold from 12,395 during 1980 to a high of 40,569 during 1995 (table 1). The increase was primarily attributable to the increase in the State prison population. Between 1980 and 1995, the rate at which State inmates filed civil rights petitions was stable, averaging 40 petitions per 1,000 inmates (figure 1). The State prison population, by contrast, increased more than threefold from 305,458 during 1980 to 1,025,624 during 1995 (table 3).

During 1996, two legislative initiatives were enacted that sought to further limit prisoners' ability to file petitions in the Federal courts:

- The Prison Litigation Reform Act (PLRA) sought to reduce the number of petitions filed by inmates claiming civil rights violations. As part of the PLRA, inmates (1) are

Table 2. Prisoner petitions filed in U.S. district court by Federal and State inmates, by type of petition and State or jurisdiction, 2000

| Region and jurisdiction | Total | Vacate sentence | Habeas corpus | | Mandamus | Civil rights | 2000 prison population* |
|-------------------------|--------|-----------------|---------------|--------|----------|--------------|-------------------------|
| | | | Death penalty | Other | | | |
| U.S. total | 58,257 | 6,341 | 274 | 24,945 | 1,192 | 25,505 | 1,381,901 |
| Federal | 11,880 | 6,341 | 15 | 3,855 | 628 | 1,041 | 145,416 |
| State | 46,371 | -- | 259 | 21,086 | 563 | 24,463 | 1,236,485 |
| Northeast | 6,672 | -- | 22 | 3,087 | 41 | 3,522 | 174,825 |
| Connecticut | 349 | -- | 0 | 121 | 2 | 226 | 18,355 |
| Maine | 66 | -- | ** | 27 | 0 | 39 | 1,679 |
| Massachusetts | 228 | -- | ** | 164 | 9 | 55 | 10,722 |
| New Hampshire | 108 | -- | ‡ | 24 | 0 | 84 | 2,257 |
| New Jersey | 792 | -- | 0 | 258 | 2 | 532 | 29,784 |
| New York | 3,013 | -- | 0 | 1,406 | 20 | 1,587 | 70,198 |
| Pennsylvania | 2,032 | -- | 22 | 1,057 | 7 | 946 | 36,847 |
| Rhode Island | 32 | -- | -- | 16 | 1 | 15 | 3,286 |
| Vermont | 52 | -- | ** | 14 | 0 | 38 | 1,697 |
| Midwest | 6,805 | -- | 54 | 3,362 | 68 | 3,321 | 237,016 |
| Illinois | 1,146 | -- | 7 | 368 | 14 | 757 | 45,281 |
| Indiana | 1,103 | -- | 10 | 602 | 5 | 486 | 20,125 |
| Iowa | 335 | -- | ** | 97 | 8 | 230 | 7,955 |
| Kansas | 296 | -- | 0 | 108 | 0 | 188 | 8,344 |
| Michigan | 1,158 | -- | ** | 685 | 4 | 469 | 47,718 |
| Minnesota | 203 | -- | ** | 126 | 3 | 74 | 6,238 |
| Missouri | 855 | -- | 4 | 401 | 14 | 436 | 27,323 |
| Nebraska | 118 | -- | 3 | 46 | 0 | 69 | 3,895 |
| North Dakota | 9 | -- | c | 7 | 0 | 2 | 1,076 |
| Ohio | 880 | -- | 30 | 540 | 13 | 297 | 45,833 |
| South Dakota | 119 | -- | 0 | 47 | 5 | 67 | 2,616 |
| Wisconsin | 583 | -- | ** | 335 | 2 | 246 | 20,612 |
| South | 22,239 | -- | 149 | 8,883 | 347 | 12,860 | 552,225 |
| Alabama | 1,343 | -- | 4 | 419 | 9 | 911 | 26,255 |
| Arkansas | 779 | -- | 5 | 145 | 101 | 528 | 11,915 |
| Delaware | 298 | -- | 2 | 84 | 1 | 211 | 6,921 |
| District of Columbia | 281 | -- | ** | 91 | 5 | 185 | 7,456 |
| Florida | 2,734 | -- | 11 | 1,277 | 76 | 1,370 | 71,319 |
| Georgia | 1,650 | -- | 1 | 507 | 12 | 1,130 | 44,232 |
| Kentucky | 557 | -- | 4 | 225 | 6 | 322 | 14,919 |
| Louisiana | 1,461 | -- | 2 | 581 | 4 | 874 | 35,047 |
| Maryland | 714 | -- | 1 | 251 | 38 | 424 | 23,538 |
| Mississippi | 978 | -- | 2 | 297 | 4 | 675 | 20,241 |
| North Carolina | 681 | -- | 18 | 261 | 0 | 402 | 31,266 |
| Oklahoma | 1,008 | -- | 24 | 589 | 7 | 388 | 23,181 |
| South Carolina | 891 | -- | 2 | 278 | 27 | 584 | 21,778 |
| Tennessee | 1,009 | -- | 16 | 311 | 4 | 678 | 22,166 |
| Texas | 5,613 | -- | 52 | 2,782 | 45 | 2,734 | 157,997 |
| Virginia | 2,045 | -- | 5 | 724 | 3 | 1,313 | 30,168 |
| West Virginia | 197 | -- | ** | 61 | 5 | 131 | 3,856 |
| West | 10,667 | -- | 34 | 5,759 | 101 | 4,773 | 272,419 |
| Alaska | 23 | -- | ** | 13 | 0 | 10 | 4,173 |
| Arizona | 979 | -- | 11 | 419 | 16 | 533 | 26,510 |
| California | 6,893 | -- | 13 | 4,017 | 27 | 2,836 | 163,001 |
| Colorado | 568 | -- | 0 | 261 | 1 | 306 | 16,833 |
| Hawaii | 58 | -- | ** | 26 | 0 | 32 | 5,053 |
| Idaho | 123 | -- | 1 | 36 | 0 | 86 | 5,526 |
| Montana | 73 | -- | 1 | 34 | 1 | 37 | 3,105 |
| Nevada | 477 | -- | 8 | 185 | 7 | 277 | 10,012 |
| New Mexico | 409 | -- | 0 | 321 | 0 | 88 | 5,342 |
| Oregon | 410 | -- | 0 | 155 | 44 | 211 | 10,630 |
| Utah | 82 | -- | 0 | 34 | 2 | 46 | 5,630 |
| Washington | 539 | -- | 0 | 243 | 3 | 293 | 14,915 |
| Wyoming | 33 | -- | ‡ | 15 | 0 | 18 | 1,680 |

Note: Total includes local jurisdiction cases arising in the outlying territories. Detail for States does not include petitions by Federal inmates or the Federal prison population.

--No Federal jurisdiction.

**Jurisdiction without a death penalty during 1999.

‡Jurisdiction had no prisoners under a sentence of death during 1999.

*Source: *Prisoners in 2000*, BJS Bulletin, August 2001, NCJ 188207.

Data source: Federal Judicial Center, Integrated Database (ICPSR 8429), 2000.

Prisoner petitions filed in U.S. district courts by State inmates, by State of jurisdiction, 2000

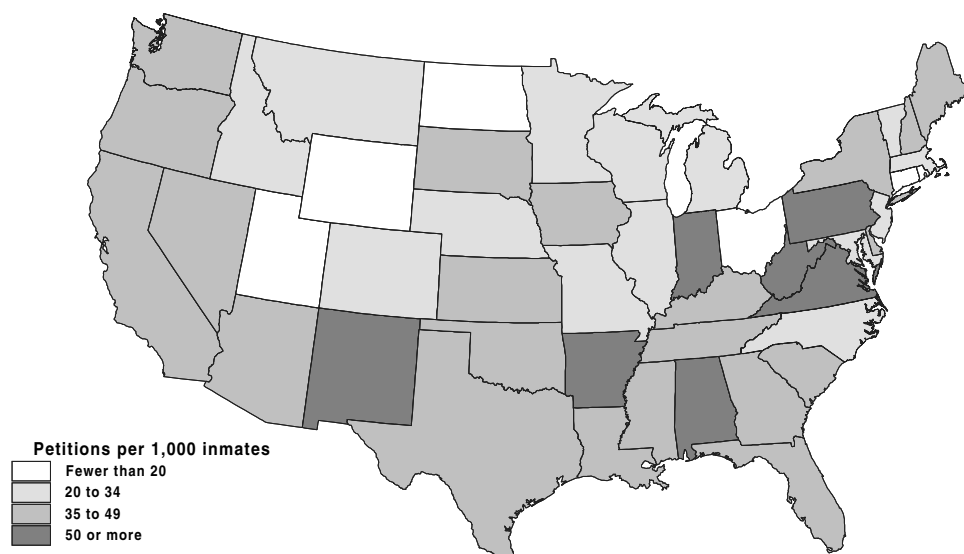


Figure 2

required to exhaust all administrative remedies before filing a case in Federal court; (2) filing petitions *in forma pauperis* are required to pay applicable filing fees and court costs from their existing assets or any funds available through correctional trust fund accounts; and (3) are prohibited from filing *in forma pauperis* if they have had prior petitions dismissed as being frivolous or malicious.

Table 3. Federal and State prison populations, 1980-2000

| Year | Total | Federal | State |
|------|-----------|---------|-----------|
| 1980 | 329,821 | 24,363 | 305,458 |
| 1981 | 369,930 | 28,133 | 341,797 |
| 1982 | 413,806 | 29,673 | 384,133 |
| 1983 | 436,855 | 31,926 | 404,929 |
| 1984 | 462,002 | 34,263 | 427,739 |
| 1985 | 502,507 | 40,223 | 462,284 |
| 1986 | 544,972 | 44,408 | 500,564 |
| 1987 | 585,084 | 48,300 | 536,784 |
| 1988 | 627,600 | 49,928 | 577,672 |
| 1989 | 712,364 | 59,171 | 653,193 |
| 1990 | 773,919 | 65,526 | 708,393 |
| 1991 | 825,559 | 71,608 | 753,951 |
| 1992 | 882,500 | 80,259 | 802,241 |
| 1993 | 969,301 | 89,587 | 879,714 |
| 1994 | 1,054,702 | 95,034 | 959,668 |
| 1995 | 1,125,874 | 100,250 | 1,025,624 |
| 1996 | 1,181,919 | 105,544 | 1,076,375 |
| 1997 | 1,240,659 | 112,973 | 1,127,686 |
| 1998 | 1,299,096 | 123,041 | 1,176,055 |
| 1999 | 1,363,701 | 135,246 | 1,228,455 |
| 2000 | 1,381,892 | 145,416 | 1,236,476 |

Note: Counts represent total jurisdiction counts for Federal and State prisons.
Source: Bureau of Justice Statistics, National Prison Statistics data series, annual.

• The Antiterrorism and Effective Death Penalty Act (AEDPA) addresses habeas corpus petitions in several ways: (1) It requires inmates to exhaust direct appeals at the State level prior to filing a petition in Federal court. (2) It establishes a 1-year statute of limitations whereby inmates have 1 year from the time their conviction becomes final – after all direct appeals of the conviction and/or sentence have been exhausted – to file a habeas corpus petition in Federal court. (3) It requires that a panel of the applicable Federal court of appeals approve successive petitions being filed in district court.

However, the PLRA and the AEDPA appear to have had differential impacts on filing rates and, accordingly, the number of petitions filed. After enactment of the PLRA both the rate at which State and Federal prison inmates filed civil rights petitions and the number of civil rights petitions filed decreased dramatically.

After enactment of the AEDPA, by contrast, both the filing rate and the number of habeas corpus petitions filed by State inmates increased. For Federal inmates, there was no measurable impact on the filing rate of habeas corpus petitions attributable to the enactment of AEDPA. The

increase in the number of habeas corpus petitions filed by Federal inmates (§ 2241 and § 2255 motions combined) appears to be solely a consequence of the increasing prison population.

Civil rights petitions. Almost immediately following enactment of the PLRA, the number of civil rights petitions filed by State inmates substantially declined – decreasing from an average of 3,020 petitions filed per month during the 55 months prior to enactment to an average of 2,227 petitions following enactment (through September 2000) (figure 3). The filing rate decreased from an average of 3.2 petitions filed per 1,000 inmates per month prior to enactment to 1.9.

Despite the decrease in the filing rate, the decrease in civil rights petitions filed was offset by an increased State prison population. Since enactment of the PLRA, the State prison population increased by approximately 160,000 inmates (table 3).

The PLRA similarly impacted filings by Federal inmates. Following enactment of the PLRA the number of civil rights petitions decreased from an average of 88 per month prior to enactment to an average of 84 per month following

Types of prisoner petitions

This report addresses three types of suits prison inmates are able to file in the Federal courts to challenge the constitutionality of their imprisonment (habeas corpus), seek redress of civil rights violations by government officials (civil rights), or to compel a government official to perform a duty owed (mandamus).

Habeas corpus (28 U.S.C. §§ 2241 and 2254-2255). The basic principle of the writ of habeas corpus is that the government is accountable to the courts for a person's imprisonment. If the government cannot show that the person's imprisonment conforms with the fundamental requirements of law, the person is entitled to immediate release. A previous BJS report indicated that "ineffective assistance of counsel" was the most frequently cited (25%) reason for habeas corpus petitions by State inmates. Other commonly cited reasons include errors by the trial courts (15%), due process (14%), and self-incrimination (12%) (*Federal Habeas Corpus Review*, BJS Discussion Paper, NCJ 155504, September 1995).

For Federal inmates habeas corpus petitions take two statutorily distinguished forms: (1) traditional habeas corpus petitions that generally challenge the constitutionality of

imprisonment (28 U.S.C. § 2241) and (2) motions to vacate a sentence imposed (28 U.S.C. § 2255). While § 2255 motions are similar in principle to traditional habeas corpus petitions, in 1948 Congress distinguished the two to address practical difficulties that had arisen in administering the habeas corpus jurisdiction of the Federal courts. Pursuant to § 2255, the district court where the inmate was originally sentenced retains jurisdiction over challenges of the sentence. In this report, unless specifically noted, habeas corpus includes both § 2241 habeas corpus motions and § 2255 motions to vacate a sentence.

Civil rights (42 U.S.C. § 1983). The foundation for these petitions originates in the 14th amendment of the U.S. Constitution. The 14th amendment prohibits the States from "depriv[ing] any person of life, liberty, or property without due process of law." The Civil Rights Act of 1871, as codified at 42 U.S.C. § 1983, provides the mechanism for persons to seek relief from constitutional deprivations. While the Civil Rights Act originally addressed only violations by State officials, in 1971 the Supreme Court extended its jurisdiction to include violations by Federal officials (*Bivens v. Six Unknown Agents of the Federal*

Bureau of Narcotics, 403 U.S. 388 (1971)). A previous BJS report indicated that physical security (21%), inadequate medical treatment (17%), and due process (13%) were the most frequently cited issues in civil rights petitions filed by State inmates (*Challenging the Conditions of Prisons and Jails*, BJS Discussion Paper, NCJ 151652, February 1995).

Mandamus (28 U.S.C. § 1361). The writ of mandamus – like habeas corpus – is an extraordinary remedy based in common law that is used when the plaintiff had no other adequate means to attain the desired relief. Mandamus petitions are filed when the inmate seeks to compel a government official to perform a duty owed to the inmate. The Federal courts have held, however, that the mandamus writ can only be used to compel a ministerial or non-discretionary duty of the government (*Marquez-Ramos v. Reno*, 69 F.3d 477 (1995)). Compared to other types of petitions, mandamus petitions are infrequent, varied in nature, and typically specific to individual circumstances.

For more detailed descriptions, see *Prisoner Petitions in the Federal Courts, 1980-96*, BJS, NCJ 164615, October 1997.

enactment (not shown in a table). The filing rate decreased from an average of 0.9 per 1,000 inmates per month to 0.7.

The decrease in civil rights petitions by Federal inmates was also offset by an increased prison population. Since enactment, the Federal prison population increased by approximately 40,000 (table 3).

Habeas corpus petitions. By contrast to the PLRA, the AEDPA appears to have resulted in an increase in the number of habeas corpus petitions filed in U.S. district courts. During the 55 months prior to enactment an

average of 1,042 petitions were filed compared to an average of 1,637 petitions filed following enactment (through September 2000) (figure 4).

The AEDPA appears, however, to have had a delayed impact on the rate in which State inmates file habeas corpus petitions in U.S. district courts. During the first 11 months following enactment the filing rate did not change substantially. However, during April 1997, which marked the 1-year anniversary of enactment, the filing rate more than doubled – increasing from 1.1 per 1,000 inmates per month to 3.4 – resulting in an additional 2,600 habeas corpus petitions being filed. Following

this spike, the filing rate decreased substantially – to 1.4 per 1,000 inmates per month – but remained higher than that before April 1997.

In contrast to petitions by State inmates, the AEDPA does not appear to have had any statistically significant impact on the filing rate of habeas corpus petitions (including § 2255 petitions to vacate a sentence) by Federal inmates.* The increase in the number of these petitions appears to be solely related to the increase in the size of the Federal prison population.

*On pages 6 and 7 see the discussion of methods for estimating the impact of this legislative change.

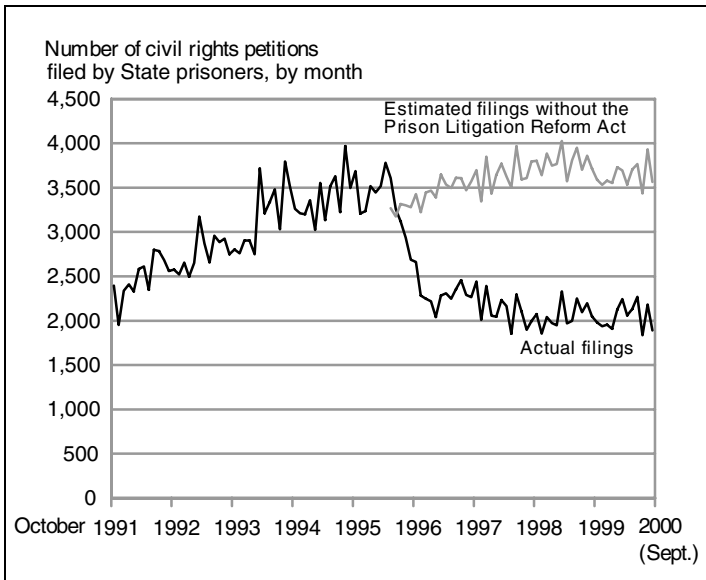


Figure 3

Measuring the impact of legislation

Assessing the impact of the PLRA and AEDPA on the number of prisoner petitions filed requires more extensive analysis than calculating the difference between the number of petitions filed prior to enactment and at some time following enactment. Other changes – such as increases in the prison population and changes in prison administration and conditions – may also impact the rate at which inmates file petitions and the number of petitions filed.

While changes in prison administration and conditions are difficult to ascertain, incorporating changes in the prison population is a straightforward process. During the period following enactment of the PLRA and AEDPA, the State prison population increased from approximately 1.1 million to 1.2 million; the Federal prison population increased from approximately 105,000 to 145,000.

Estimates of the impact of the Prison Litigation Reform Act (PLRA) and the Antiterrorism and Effective Death Penalty Act (AEDPA) on the number of prisoner petitions filed can be derived using ARIMA models. ARIMA models are derived empirically from available data. These time-series models test for changes in the underlying process due to some intervention such as a policy change, new legislation, or a court decision by extrapolating from the past to the future. (See Richard

McCleary and Richard A. Hay, Jr., *Applied Time Series Analysis for the Social Sciences*, 1980.)

As part of the time series analysis, data describing the number of prisoner petitions filed in U.S. district courts were aggregated into monthly counts and plotted over time – both before and after enactment of the PLRA and AEDPA. In the context of ARIMA, these two acts are considered interventions, or “shocks,” that cause a change in the number of prisoner petitions filed. In addition to the legislative change, the size of the prison population was also incorporated into the model derived. Monthly estimates of the prison population were derived by apportioning the change in the year-end prison population in equal increments over the 12 calendar months. (For 2000, estimates were derived using the June 30 population.)

The ARIMA models derived suggest that the PLRA and AEDPA had a statistically significant impact ($p < 0.05$) on the number of prisoner petitions, civil rights and habeas corpus petitions respectively, filed in U.S. district courts by State prison inmates and on the number of civil rights petitions filed by Federal prison inmates (tables 4-7). The parameter estimate describing the effect of the AEDPA on habeas corpus petitions filed by Federal inmates was not statistically significant (table 7).

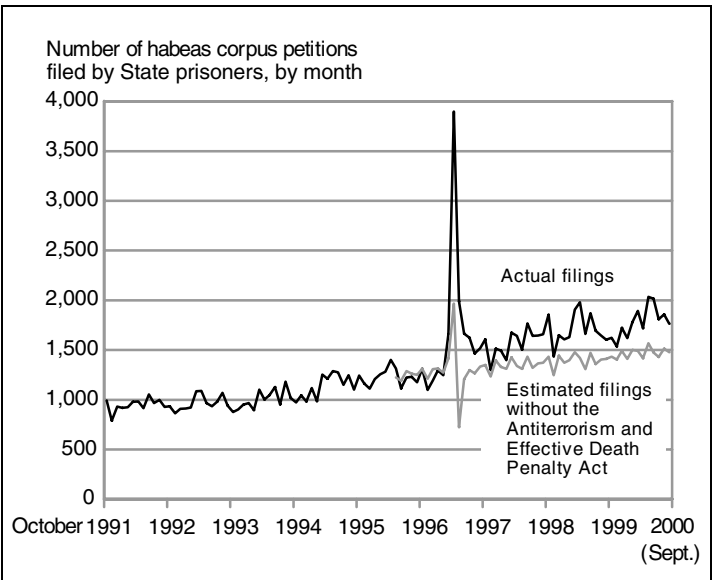


Figure 4

Estimates of the number of prisoner petitions that would have been filed absent the change in law were derived by applying the parameters estimated from the ARIMA model but excluding the ω_{PLRA} or ω_{AEDPA} parameter, depending upon the model, from the equation. For example, the change in the number of prisoner petitions attributable to the change in law was estimated as:

$$\Delta = \sum_{t=1}^N \left(Y_t \frac{P_t}{1,000} \right) - \sum_{t=1}^N \left(\hat{Y}_t \frac{P_t}{1,000} \right)$$

where:

Δ is change in the number of petitions filed during observation period
 N is the number of months in the observation period
 Y_t is the actual number of petitions filed per 1,000 inmates each month during the observation period
 \hat{Y}_t is the estimated number of petitions that would have been filed per 1,000 inmates absent the legislative change
 P_t is the prison population.

Estimates of the number of prisoner petitions that would have been filed absent an increase in the prison population were calculated as the product of the actual filing rate and the

estimate of the May 1996 prisoner population. For example, the change in the number of prisoner petitions attributable to the increase in the State prison population was estimated as:

$$\Delta = \sum_{t=1}^N \left(Y_t \frac{P_t}{1,000} \right) - \sum_{t=1}^N \left(Y_t \frac{1,097,755}{1,000} \right)$$

where:

Δ is change in the number of petitions filed during observation period

N is the number of months in the observation period

Y_t is the actual number of petitions filed per 1,000 inmates per month during the observation period

P_t is the prison population.

Civil rights petitions. Estimates derived from time-series models suggest that the PLRA resulted in approximately 3.4 fewer civil rights petitions filed per month for every 3,000 State prison inmates ($\omega = -1.13$, $p < 0.05$) (table 4). Between April 1996 and September 2000 an estimated 73,000 fewer petitions were filed in U.S. district courts by State prison inmates than would have been filed if the filing rate not changed following implementation of the PLRA (figure 3). During the Federal fiscal year 2000 an estimated 19,000 fewer civil rights petitions were filed by State inmates.

However, because of the increase in the State prison populations more inmates were present to potentially file civil rights complaints. Accordingly, the approximate 160,000 inmate increase in the State prison population following enactment of the PLRA resulted in an estimated 7,500 additional civil rights petitions filed following enactment (not shown in a table).

Similarly, estimates suggest that the PLRA resulted in approximately 1 fewer civil rights petitions filed per month for every 4,000 Federal prison inmates ($\omega = -0.25$, $p < 0.05$) (table 6). Between April 1996 and September 2000 an estimated 1,700 fewer civil rights petitions were filed in U.S. district courts by Federal prison inmates. During the Federal fiscal year 2000 an

Table 4. ARIMA parameter estimates: Civil rights petitions filed in U.S. district courts by State prison inmates, October 1, 1991, through September 30, 2000

| $Y_t = \mu + \omega PLRA_t + \phi(Y_t - Y_{t-1})$ | | | |
|---------------------------------------------------|----------|-------|---------|
| Standard | | | |
| Parameter | Estimate | error | t-value |
| μ | 3.08 | 0.08 | 33.28* |
| $\omega PLRA_t$ | -1.13 | 0.11 | -9.89* |
| ϕ | 0.60 | 0.07 | 8.06* |

Note: Y_t is the number of petitions filed per 1,000 inmates.

*Parameter significant at $p < 0.05$.

Source: Federal Judicial Center, Integrated Database (ICPSR 8429), 2000.

estimated 400 fewer civil rights petitions were filed.

However the increase in the Federal prison population contributed to an increase in civil right petitions by Federal inmates. The approximate 70,000 inmate increase in the Federal prison population resulted in an estimated 600 additional civil rights petitions filed following enactment (not shown in a table).

Habeas corpus petitions. Estimates derived from time-series models suggest that the AEDPA resulted in approximately 1 additional habeas corpus filing per month for every 3,400 State prison inmates ($\omega = 0.29$, $p < 0.05$) (table 5). Additionally, the increase in the number of habeas corpus petitions resulting from the increased filing rate was supplemented by an increase attributable to the increase in the State prison population.

Table 6. ARIMA parameter estimates: Civil rights petitions filed in U.S. district courts by Federal prison inmates, October 1, 1991, through September 30, 2000

| $Y_t = \mu + \omega PLRA_t + \phi(Y_t - Y_{t-1})$ | | | |
|---------------------------------------------------|----------|-------|---------|
| Standard | | | |
| Parameter | Estimate | error | t-value |
| μ | 0.92 | 0.03 | 29.30* |
| $\omega PLRA_t$ | -0.25 | 0.04 | -5.56* |
| ϕ | 0.37 | 0.09 | 4.06* |

Note: Y_t is the number of petitions filed per 1,000 inmates.

*Parameter significant at $p < 0.05$.

Source: Federal Judicial Center, Integrated Database (ICPSR 8429), 2000.

Table 5. ARIMA parameter estimates: Habeas corpus petitions filed in U.S. district courts by State prison inmates, October 1, 1991, through September 30, 2000

| $Y_t = \mu + \omega AEDPA_t + \phi(Y_t - Y_{t-1})$ | | | |
|----------------------------------------------------|----------|-------|---------|
| Standard | | | |
| Parameter | Estimate | error | t-value |
| μ | 1.10 | 0.05 | 24.15* |
| $\omega AEDPA_t$ | 0.29 | 0.06 | 4.43* |
| ϕ | 0.32 | 0.09 | 3.45* |

Note: Y_t is the number of petitions filed per 1,000 inmates.

*Parameter significant at $p < 0.05$.

Source: Federal Judicial Center, Integrated Database (ICPSR 8429), 2000.

Between April 1996 and September 2000 an estimated 18,000 additional habeas corpus petitions were filed in U.S. district courts by State prison inmates as a result of the enactment of the AEDPA (figure 4). During the Federal fiscal year 2000 an estimated 5,800 additional habeas corpus petitions had been filed. The approximate 160,000 inmate increase in the State prison population resulted in an estimated 5,900 additional petitions filed following enactment (not shown in a table).

While the AEDPA does not appear to have had an impact on habeas corpus petitions filed by Federal inmates ($\omega = 0.78$, $p = 0.37$) (table 7), the approximate 40,000 inmate increase in the Federal prison population resulted in an estimated 6,000 additional habeas corpus petitions filed in U.S. district courts (not shown in a table).

Table 7. ARIMA parameter estimates: Habeas corpus petitions and § 2255 motions to vacate a sentence filed in U.S. district courts by Federal prison inmates, October 1, 1991, through September 30, 2000

| $Y_t = \mu + \omega AEDPA_t + \phi(Y_t - Y_{t-1})$ | | | |
|----------------------------------------------------|----------|-------|---------|
| Standard | | | |
| Parameter | Estimate | error | t-value |
| μ | 6.24 | 0.62 | 10.01* |
| $\omega AEDPA_t$ | 0.78 | 0.88 | 0.89 |
| ϕ | 0.28 | 0.09 | 2.96* |

Note: Y_t is the number of petitions filed per 1,000 inmates.

*Parameter significant at $p < 0.05$.

Source: Federal Judicial Center, Integrated Database (ICPSR 8429), 2000.

Methodology

Data sources

The primary source of data for tables presented in this report is the Federal Judicial Center Integrated Database. The Integrated Database is composed of the criminal, civil, and appellate data files maintained by the Administrative Office of the U.S. Courts. These data are archived at the National Archive of Criminal Justice Data by the Federal Judicial Center as Study Number ICPSR 8429. Statistics describing the number of Federal and State prison inmates were obtained from the Bureau of Justice Statistics National Prison Statistics data series.

This report and others from the Bureau of Justice Statistics are available through the Internet —

<http://www.ojp.usdoj.gov/bjs/>

The Bureau of Justice Statistics is the statistical agency of the U.S. Department of Justice. Lawrence A. Greenfeld is acting director.

BJS Special Reports address a specific topic in depth from one or more datasets that cover many topics.

John Scalia wrote this report. Keonna Feaster provided statistical review and verification. John Golmalt of the Administrative Office of the U.S. Courts provided technical commentary. George Cort of the Federal Judicial Center provided access to the data. Ellen Goldberg and Tom Hester edited and produced the report. Jayne E. Robinson administered final production.

January 2002, NCJ 189430

U.S. Department of Justice
Office of Justice Programs
Bureau of Justice Statistics

Washington, DC 20531

PRESORTED STANDARD
POSTAGE & FEES PAID
DOJ/BJJS
Permit No. G-91

Official Business
Penalty for Private Use \$300