

Arresting Progress

Data shows how attacks on criminal justice reform and supercharged funding for ICE and local law enforcement are driving up low-level arrests

OCTOBER 2026

For more than a decade, lawmakers across the country took action to begin reversing decades of unchecked growth in law enforcement and incarceration in the United States. Arrests, jail and prison populations, and racial disparities [all fell together](#), and communities were safer as a result. By 2022, the number of people in jail or prison had fallen 21% from its peak in 2008, Black imprisonment rates had fallen by nearly half, and nearly every state experienced sharp reductions in violent crime.

These life-changing declines didn't happen by chance. Policymakers and voters in red, blue, and purple states recognized the mounting evidence that problems such as substance use, mental health challenges, and homelessness were better addressed outside of the criminal justice system. Unfortunately, that consensus has been under attack for several years now, with opponents of criminal justice reform jumping on a brief but serious rise in violent crime during the pandemic to push a "tough on crime" agenda and politicians of both parties recasting issues like homelessness, drug use, and immigration as threats to be policed rather than problems to be solved.

The divisive rhetoric, rollbacks of popular reforms, and extreme enforcement tactics have only intensified during the second Trump administration, culminating in an unprecedented expansion of federal immigration and local law enforcement while [Republicans in Congress slashed funding for health care and community safety programs](#). While communities have been feeling the effects of these changes for some time now, the results are beginning to show up in the data as well.

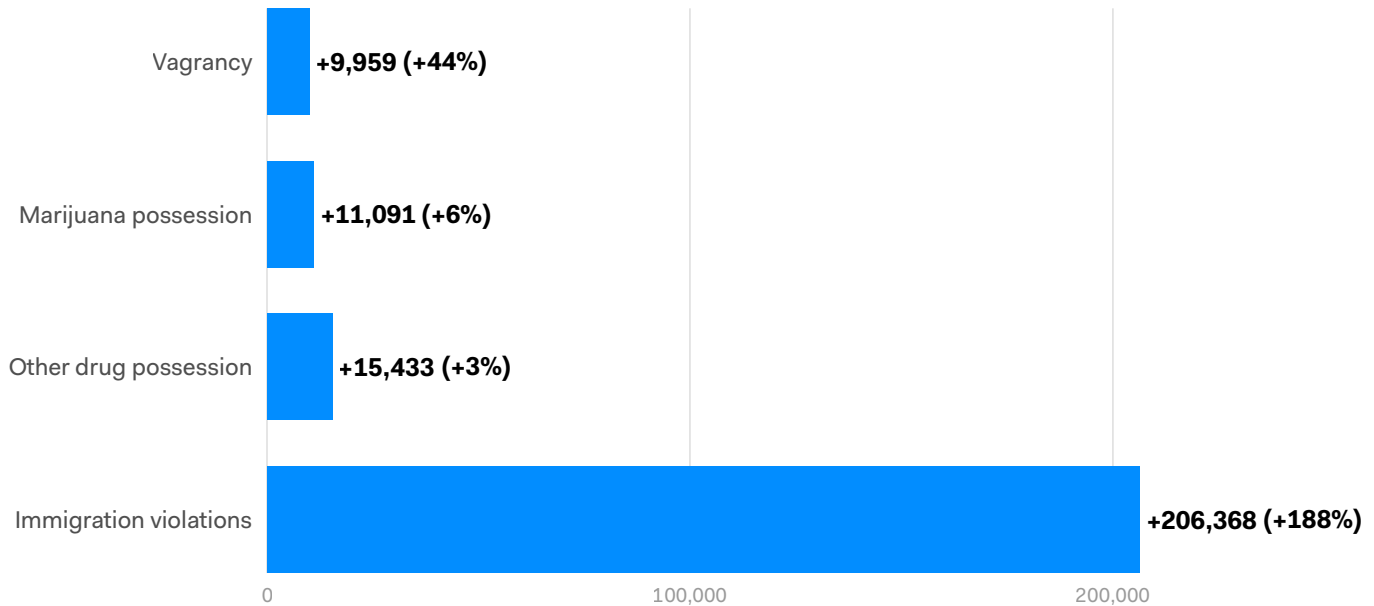
New analysis of FBI arrest data by FWD.us shows that arrests for low-level charges such as vagrancy, drug possession, and immigration violations rose sharply from 2024 to 2025. Jail and prison populations have also been rising for several years now, and taken together these trends signal an alarming return to the failed policies and harmful consequences of the 1980s and 1990s.

What the data show

Between 2024 and 2025, the first full year of the second Trump administration, arrests for low-level charges such as vagrancy, drug possession, and immigration violations have all risen sharply. Importantly, these increases are happening even as arrests for more serious crimes such as homicide, robbery, and burglary continue to decline, more closely tracking the [historic declines in crime](#) that began in 2023.

Rising arrests for low-level charges

Increase in arrests, 2024 to 2025



Source: FBI Crime Data Explorer, [Arrests Reported in the United States](#).

Arrests are rising in blue and red states alike, and left unchecked this growth will have immediate consequences for the people caught up in the enforcement surge and [long-term consequences for families, communities, and the economy](#).

Vagrancy

In 2025, law enforcement made nearly 10,000 more arrests for vagrancy, defined as “going from place to place without visible means of support,” compared to 2024.

This increase follows the Supreme Court’s decision in [City of Grants Pass v. Johnson](#), which overturned Ninth Circuit precedent that arresting and jailing a person for sleeping outside when they have nowhere else to go violated their Eighth Amendment rights. As a result, several Western states in the Ninth Circuit have seen sharp rises in vagrancy arrests and just four states (California, Hawaii, Nevada, and Arizona) account for more than half of the national increase. For example, after the *Grants Pass* decision, [California mandated that homeless encampments on state property be cleared](#) and pushed local governments to do the same, resulting in an additional 2,503 people being arrested in 2025 (+58%).

The 44% increase in arrests in a single year comes after several years of consistent arrest totals for vagrancy, demonstrating the impact of the court decision. From 2017 to 2024, apart from a brief dip during the pandemic, vagrancy arrests hovered around 20,000 per year.

Vagrancy arrests

+44%
increase in arrests

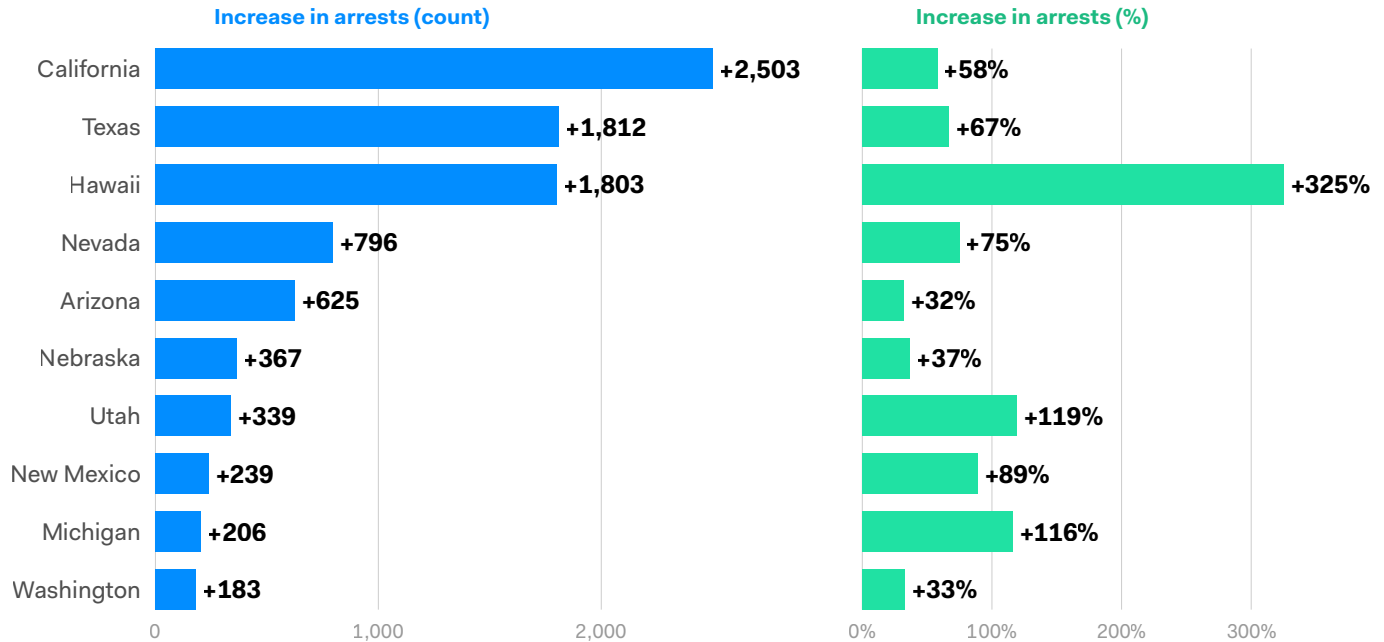
2024 22,769

2025 32,728

Source: FBI Crime Data Explorer, [Arrests Reported in the United States](#).

Vagrancy arrests rose 44% following Supreme Court's *Grants Pass* decision

Top ten states by increase in vagrancy arrests, 2024 to 2025

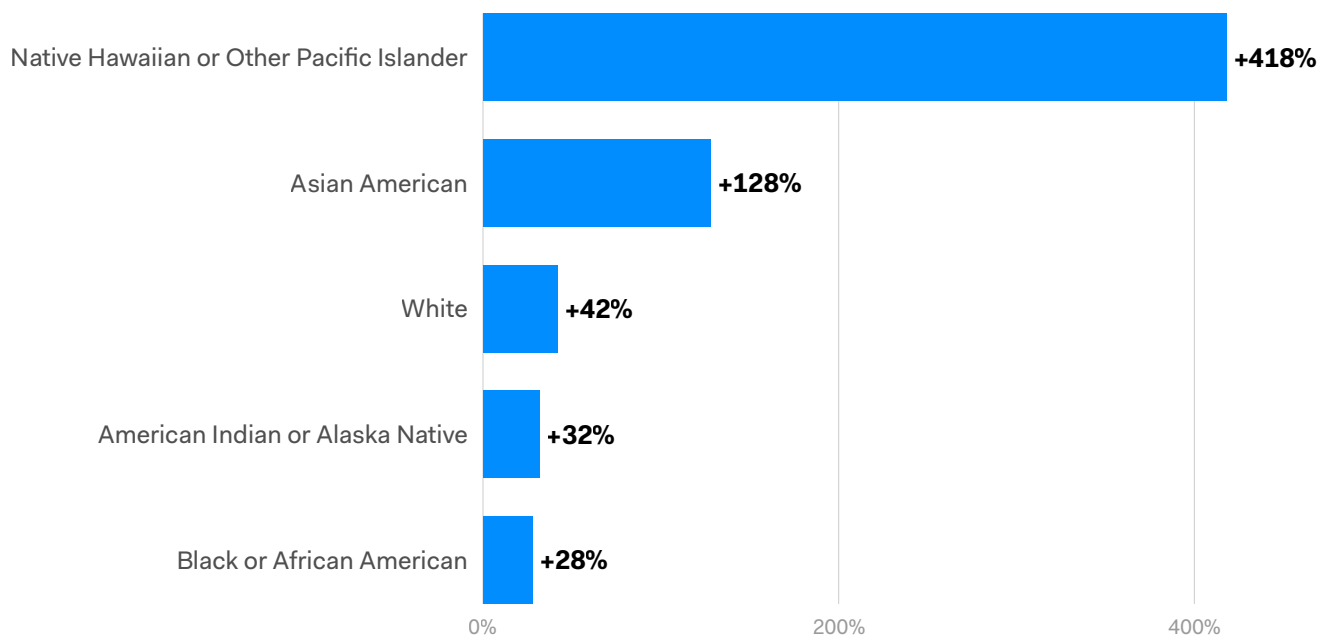


Source: FBI Crime Data Explorer, [Crime Incident-Based Data by State](#).

In addition to the geographic concentration of the increased arrests for vagrancy, the impact has not fallen evenly across demographic groups. Vagrancy arrests grew 128% for Asian Americans and 418% for Native Hawaiian and other Pacific Islanders in 2025. Despite the fact that AANHPI people make up a small share of the population, 17% of the increase in vagrancy arrests impacted this group, largely in Hawaii where the *Grants Pass* decision is likely fueling an enforcement surge. Arrests of white and American Indian people rose 42% and 32%, respectively.

Vagrancy arrests rising most sharply for Asian Americans and Native Hawaiians

Percent change in vagrancy arrests by race, 2024 to 2025



Source: FBI Crime Data Explorer, [Arrests Reported in the United States](#).

Drug possession

For nearly two decades, states across the country took steps to reduce incarceration and collateral consequences for a simple drug possession conviction. In 2014, California voters approved [Proposition 47](#) to reclassify all drug possession charges from a felony to misdemeanor and create a state fund to redirect the prison savings into local mental health, drug treatment, housing, and other community-based programs. Voters in Oklahoma followed suit in 2016, approving [State Question 780](#) and [State Question 781](#) to similarly treat drug possession as a misdemeanor offense and use the prison savings to support treatment and diversion programs that are more effective than incarceration at supporting recovery and improving public safety. In 2020, Oregon voters approved [Measure 110](#) that decriminalized simple drug possession altogether. [Twenty-four states have legalized marijuana](#) since Colorado voters first approved it via Amendment 64 in 2012.

The momentum towards more of a public health approach to substance use and addiction helped fuel large declines in arrests for drug possession charges. [By 2024, there were half as many arrests for drug offenses than at the peak of 2006](#). These declines helped reduce incarceration and racial disparities, contributing to the nearly 50% decline in the Black imprisonment rate.

Our analysis shows these gains are starting to reverse due to policy changes at the local, state, and federal level. Arrests for drug possession rose for the first time in several years in 2025, signaling a return to the failed policies and enforcement approach at the height of the “war on drugs.” The increase includes a nearly 6% rise in arrests for marijuana possession, despite recreational or medical marijuana now being legal in 41 states.

MARIJUANA

Arrests for simple marijuana possession rose to 201,273 in 2025, an increase of more than 11,000 from the previous year and the first increase in at least a decade, excluding 2021 which had incomplete data. This reversal is happening at a time when [most of the people in the country live in a state that has legalized marijuana in some form](#) and points to the impact of the federal immigration enforcement surge and supercharged law enforcement funding under the second Trump administration.

The increase in arrests is concentrated in states that have not legalized marijuana, with 75% of the increase occurring in just eight southern states (Texas, Georgia, Alabama, Mississippi, South Carolina, Florida, North Carolina, and Arkansas). The District of Columbia also stands out, with arrests more than doubling in 2025, and the highest numbers in the months immediately following the [National Guard deployment in the District](#).

Marijuana possession arrests

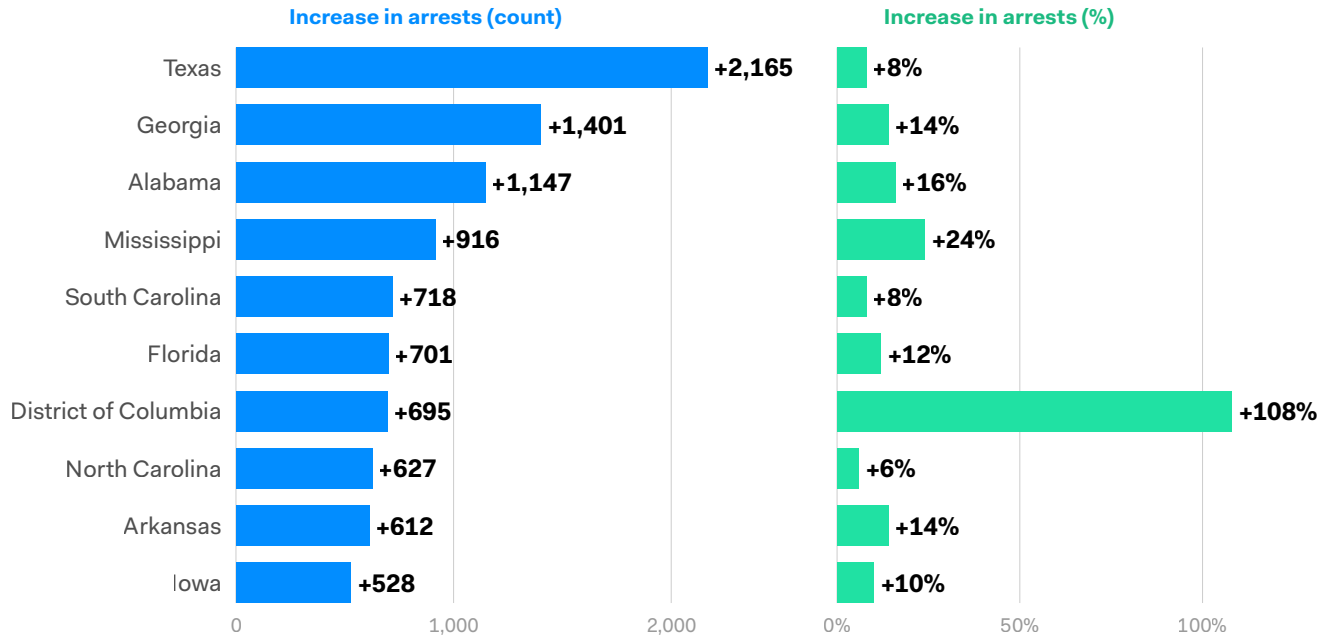
+6%
increase in arrests

2024	190,182
2025	201,273

Source: FBI Crime Data Explorer, [Arrests Reported in the United States](#).

Arrests for marijuana possession rising in southern states

Top ten states by increase in marijuana possession arrests, 2024 to 2025

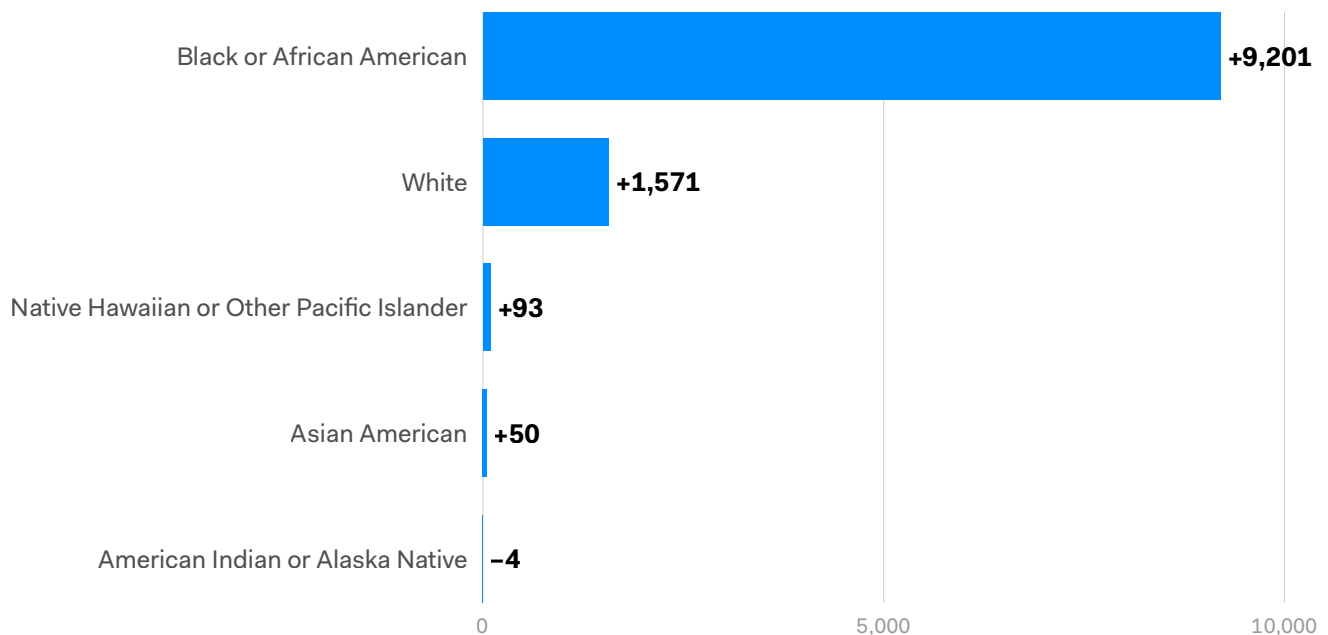


Source: FBI Crime Data Explorer, [Crime Incident-Based Data by State](#).

[Despite using marijuana at rates similar to white people](#), Black people are arrested for marijuana possession at more than four times the rate (182 per 100,000) of white people (41 per 100,000). While this disparity had been narrowing in recent years, marijuana arrests rose nearly 10% for Black people in 2025 while arrests remained stable for other groups. This means that Black people accounted for 83% of the national increase in marijuana arrests in 2025 and nearly half of all marijuana arrests were of Black people (45%).

The increase in marijuana possession arrests fell almost entirely on Black people

Change in marijuana possession arrests by race, 2024 to 2025



Source: FBI Crime Data Explorer, [Arrests Reported in the United States](#).

OTHER DRUG POSSESSION CHARGES

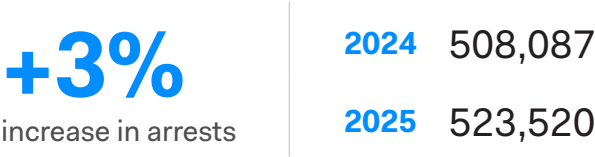
Arrests for possession of drugs other than marijuana rose by more than 15,000 in 2025 and the increase stems almost entirely from rollbacks of evidence-based reforms that were working to reduce incarceration and the harmful collateral consequences of a felony conviction while investing in more effective solutions to addiction and substance abuse such as drug and mental health treatment, housing, and education programs.

In 2024, following years of a well-funded campaign by law enforcement and opponents of criminal justice reform, voters in California rolled back a key provision of Proposition 47 that reclassified simple drug possession from a felony to a misdemeanor. [Proposition 36](#) makes third and subsequent drug possession convictions eligible for a felony charge, and as a result, drug possession arrests rose by over 14,000 in a single year. This reverses nearly a decade of progress in California towards reducing harmful contact with the criminal justice system and incarceration for behaviors that are better addressed in the community.

A similar reversal happened in Oregon the same year, when legislators rolled back Measure 110 to once again treat simple drug possession as a criminal offense, resulting in a 39% increase in non-marijuana drug possession arrests. While both of these policy changes were sold to voters and the public as a way to get people into drug treatment, this data shows that the more reliable outcome and measurable result is more arrests. New York City has also seen large increases in arrests for drug possession (+21%) following the deployment of so-called “quality of life” police teams, a [program that has continued](#) despite its similarities to the debunked theory of [“broken windows” policing](#).

It’s important to note that while drug overdoses are [down](#), that decline started in 2023, well before this increase in arrests, and has occurred nationwide in places where arrests continue to decline as well as in places they have increased. There is no evidence that increasing arrests of people using drugs reduces overdoses — in fact, people are at higher risk of overdose [immediately after release from jail](#) than at any other time.

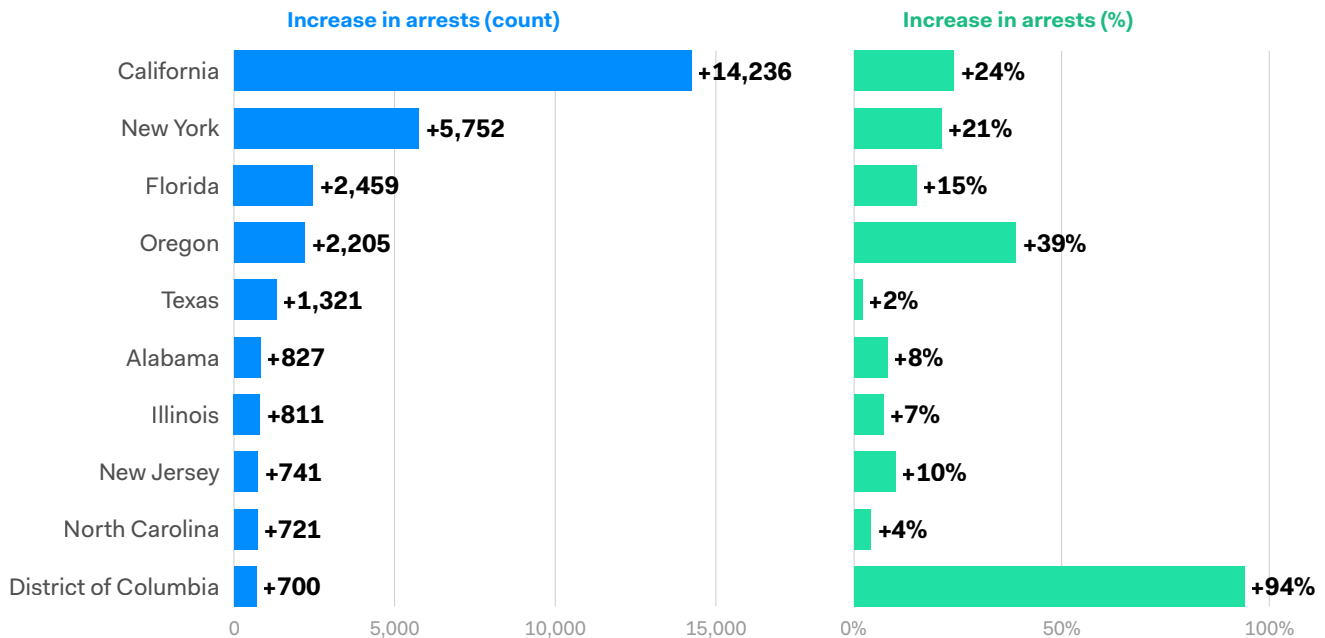
Other drug possession arrests



Source: FBI Crime Data Explorer, [Arrests Reported in the United States](#). Marijuana possession excluded.

Arrests for drug possession rising sharply in states that rolled back drug law reforms

Top ten states by increase in drug possession arrests (excluding marijuana), 2024 to 2025



Source: FBI Crime Data Explorer, [Crime Incident-Based Data by State](#).

Like with the increase in marijuana possession arrests, the impact of these policy changes has been most acutely felt by Black people. Arrests rose 8% for Black people, compared to just 2% for white people. Despite decades of evidence showing that drug use rates are similar across racial groups and [research demonstrating the harm caused by the “war on drugs” in communities of color](#), arrests for drug possession continue to fall disproportionately on the communities who have long been subjected to the most extreme enforcement and surveillance tactics and the devastating consequences of mass incarceration.

Immigration violations

No category of arrests grew more in 2025 than arrests for immigration violations, nearly tripling (+188%) from 2024. This rapid growth has only accelerated in the first seven months of 2026. There have been an average of 36,093 arrests each month for immigration violations so far in 2026, almost four times the monthly average in 2024.

This alarming increase should not come as a surprise given the rhetoric and visible brutality of the second Trump administration. Immigrations and Customs Enforcement (ICE) has been [directed by the White House to set a goal of 3,000 arrests every day](#) and Republicans in Congress have made this goal possible through an unprecedented infusion of taxpayer money. Since last July, Congress has committed \$261 billion to ICE, Customs and Border Protection (CBP), and the Department of Homeland Security (DHS) to carry out their [deeply unpopular campaign of mass deportations](#). This money is being spent to hire thousands of new ICE officers with the explicit aim of supercharging arrests, terrorizing communities and separating families, and warehousing immigrants who have been living and working in the United States.

This money is also being funneled to local law enforcement through the 287(g) program. More than 2,000 state and local law enforcement agencies have [signed up for the 287\(g\) program](#) and 1 in 4 Americans now lives in a state that has deputized their state highway patrol, state police, or department of public safety to enforce federal immigration law. [In recent months, the 287\(g\) program has accounted for 14-15% of all immigration arrests](#), with the program continuing to grow.

Monthly arrests for immigrations violations are nearly 4x higher in 2026 than 2024

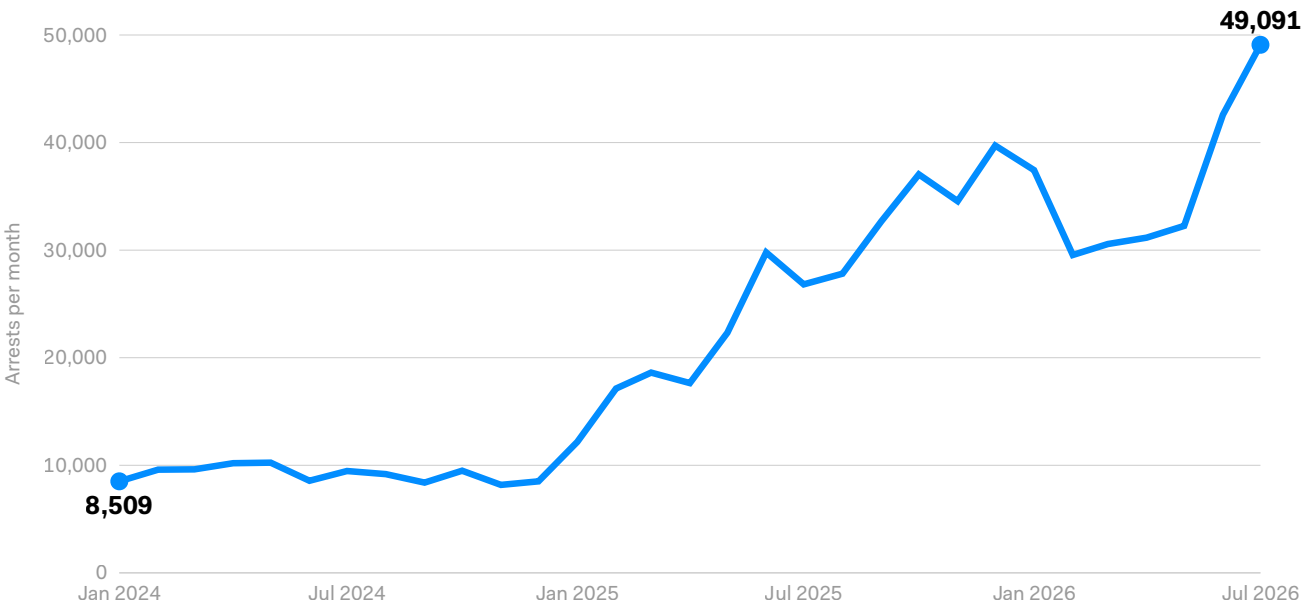
Monthly and annual arrests for immigration violations

Period	Monthly average	Annual total	Change in monthly average vs. 2024
2024	9,161	109,936	—
2025	26,359	316,304	+188%
2026 (through July)	36,093	252,652	+294%

Source: Government data provided by ICE in response to a FOIA request to the Deportation Data Project and analyzed by FWD.us.

Unprecedented 294% growth in arrests for immigration violations the past two years

Monthly arrests for immigration violations from January 2024 to July 2026



Source: Government data provided by ICE in response to a FOIA request to the Deportation Data Project and analyzed by FWD.us.

Although ICE does not report on the race or ethnicity of those it arrests, it does report national origin, which shows that arrests rose much faster for people who immigrated from South America, Africa, and Asia than those from Europe, Canada, or Australia. Researchers have also found that [disparities are even larger among those who were arrested for immigration violations in the community](#) than among those who were transferred to ICE custody following a criminal charge, demonstrating the way in which ICE is targeting Black and Brown communities.

What actually works to make us safe

At the same time it has been supercharging federal immigration and local law enforcement, Congress has been [slashing programs that actually work to prevent crime and violence](#). In the past year alone, Republicans have cut nearly a trillion dollars from federal health care programs including Medicaid, \$187 billion from food assistance programs including the Supplemental Nutrition Assistance Program (SNAP), and [\\$820 million from community safety initiatives](#) including violence prevention, mental health and substance use treatment, and other community-based safety initiatives funded by the Department of Justice (DOJ).

These actions undercut [decades of research](#) showing that criminal justice contact, jail stays, and long prison sentences do not make us safer, while investments in social services and community-based programs such as drug and mental health treatment, affordable housing, and youth employment effectively reduce crime and violence. One study found that Medicaid expansion, which Republicans just gutted, had produced as much as a 32% reduction in arrest rates in its first three years. The largest portion of the funding that was terminated by the DOJ had been invested in community safety and [violence interruption programs that have been shown time and time again to be effective at reducing violence](#). Deep cuts were also made to substance use and mental health treatment programs as well as programs designed to support at-risk youth, including efforts to protect children against abuse and neglect.

Aside from a brief increase in violent crime during the pandemic that researchers attribute to [shocks to employment, school enrollment, and social supports](#), crime has been falling in the United States for more than 30 years. That long decline happened alongside, not in spite of, reforms to reduce harmful arrests and unnecessary incarceration. [From 2009-2023, 38 states saw reductions in crime while incarcerating fewer people](#), with violent crime rates falling 8% in states that reduced imprisonment while going up 16% in states that increased imprisonment.

The new arrest data shows something similar: while violent crime numbers and rates declined in 45 out of 50 states in 2024, the growth in arrests is concentrated in a handful of states that have changed their policies with the explicit aim of exposing more people to harmful contact with the criminal justice system. For instance Indiana, the state with the most significant decline in violent crime (24%), was not in the top ten states for growth of any of the types of low-level arrests covered above. Places that did increase arrests did not see any larger crime declines than places where arrests actually decreased.

Conclusion

Even when charges are dropped, an arrest has [life-changing consequences](#) for the person involved and their family. It can mean days or months in jail, a lost job, a missed rent or mortgage payment, separation from children, and [untold economic consequences](#). For immigrants and their families, an arrest can lead to long-term detention or deportation, an outcome that keeps people from sending their children to school, seeking medical care, and participating in social and economic life.

It should be a shared goal among policymakers on both sides of the aisle to reduce arrests, not manufacture ways to increase them. Yet, the current momentum to return to the extreme law and order

policies of the past is clearly driving more decision-making with predictable consequences: more people arrested for low-level offenses such as vagrancy, drug possession, and immigration violations.

There is plenty of time to choose a different path. Congress can claw back the unspent money that was [appropriated to DHS and ICE](#), ending incentives for local law enforcement to make arrests, and restoring the health care and community safety investments that actually improve public safety. Governors and state legislatures can stop rollbacks to criminal justice reforms and reaffirm commitments to [sentencing](#), [bail](#), and [other public safety policies](#) that [reduce racial disparities](#) rather than reinforcing them. Local politicians and police departments can shift away from old, [failed enforcement tactics](#) to focus on public health and violence prevention. [Voters](#) can reject the politics of fear and punishment. Now is the time to shift course before we are fully committed to a new wave of mass criminalization and incarceration.

About FWD.us

FWD.us is a policy organization working to advance better and more politically resilient solutions on criminal justice and immigration. For too long, our harmful criminal justice and immigration systems have held us back and been weaponized in ways that undermine our nation's promise and democratic ideals.

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