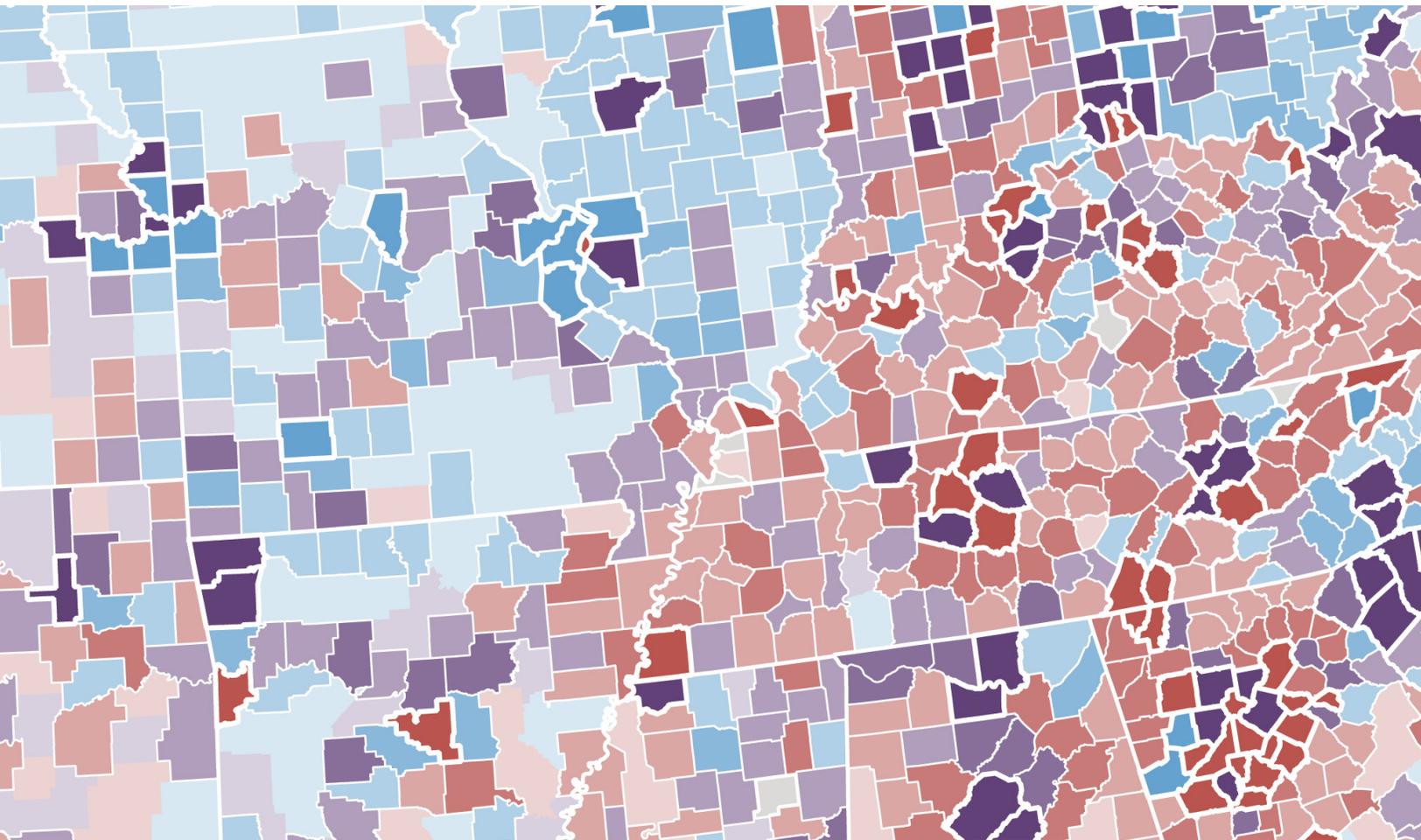


In Our Own Backyard: Confronting Growth and Disparities in American Jails

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CENTER ON SENTENCING AND CORRECTIONS

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INCARCERATION TRENDS
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FROM THE PRESIDENT

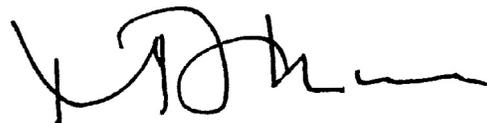
The prevalence of incarceration in America—without precedent historically or remotely comparable to other western nations—is now widely acknowledged as a significant public policy failure. And as a Vera report chronicled earlier this year, jails are the “front door” to mass incarceration. One third of incarcerated men and women are in our city and county jails, and the research is clear: Reducing the over-use of pretrial detention will reduce the size of both our jails and our prisons.

Because jails are where mass incarceration begins, it follows that reforming how we use jails is a major factor in how mass incarceration can end. Data is fundamental to understanding our jail problem. Ironically, however, although the problem of mass incarceration is routinely framed in terms of its numbers—2.2 million incarcerated people, 1 in 100 behind bars, a five-fold increase since the 1970s, at a cost of \$80 billion—there is very little actionable data that can be used to provide insight on, or drive, local-level change. Trends in state prison populations are routinely tracked and compared. Yet, partly owing to analytic complexity—there are about 3,000 jails nationwide—there are no comprehensive and comparable data on jail populations.

Although the federal government has conducted a regular census of jail populations since 1970, this information is tucked away in archived datasets that were never designed to be linked together. Until now, these data have principally been used to tally the aggregate U.S. jail population, rather than track each county’s jail use over time. What Vera’s *Incarceration Trends* project does is stitch these data together, so that each of us can examine the history of any county’s jail growth, as well as measure national trends.

And what these linked datasets tell us is that the size of the jail is not the only type of jail problem: There are stark racial disparities, even in places where incarceration rates are among the lowest. In many places, there has been a rapid rise in the number of incarcerated women. And in even relatively small jails, an outsized proportion of the population churns through jail doors. The upshot is that after four decades of growth, every jail has room for improvement. And because, as this report details, it’s in mid-sized and small counties where jails have grown the most and hold the majority of the nation’s jail inmates, reform needs to happen in all counties—not just the largest.

It is difficult to wrap our minds around a problem of the magnitude of 2.2 million incarcerated people. But identifying the growth of the incarcerated population closer to home puts the problem in a context that is easier to grasp. We hope that the lessons of this report—and the 45 years of data we have compiled for every U.S. county at trends.vera.org—provides policymakers and the public with some of the tools needed to end the country’s overreliance on jails.



Nicholas Turner
President and Director
Vera Institute of Justice

ABOUT INCARCERATION TRENDS

Incarceration Trends, a project of the Vera Institute of Justice (Vera), aims to reveal incarceration trends in the United States, inform the public debate on mass incarceration, and help guide change by providing easily accessible information on jail and prison populations in every U.S. county. The centerpiece of the project is a new data tool—available at trends.vera.org—that collates and analyzes publically available, but disparately located, data about jail incarceration. The map-based tool, the first of its kind, can be used for reference and measurement by justice system stakeholders and others looking to understand how their jail is being used and how it compares with others over time. In particular, users will be able to spot problem areas within their own jail—such as excessive growth or racial or ethnic disparities—as well as identify other localities with similar population profiles and problems.

Currently, the tool includes jail data for every one of the approximately 3,000 counties in the country and combined jail and prison data for all counties in New York and California. In the months and years ahead, Vera will incorporate additional data, such as the number of people in, and admissions to, prison by county for all 50 states. As part of the project, Vera will periodically publish policy briefs, fact sheets, and infographics on selected topics based on analysis done using the data tool.

For more information about Vera's *Incarceration Trends* project, contact Christian Henrichson, unit director, Center on Sentencing and Corrections, at chenrichson@vera.org.

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Introduction

The fact that the United States—with less than 5 percent of the world’s population but nearly 25 percent of the world’s prisoners—has a serious problem with mass incarceration is by now well beyond partisan debate.¹ In recent years, lawmakers, policymakers, and criminal justice practitioners from across the political spectrum have joined forces to pursue efforts, large and small, to reduce the number of people we send to and hold in state and federal prisons.²

Jails—with 11 million admissions annually and a third of all Americans behind bars on a given day—are increasingly recognized as a key engine of mass incarceration.³ Yet research and data about jail use are scarce. (See “What is Jail?” below.) Moreover, much information about incarceration either conflates prison and jail incarceration, excludes jail incarceration entirely, or inadequately examines how local justice systems have contributed to the overuse of incarceration in the United States over time. Few counties publicly report their own jail population and admissions data.⁴ And while federal data on jails do exist and are publicly available, the ways in which the data are collected and stored make it difficult to answer even simple questions about jail use in a given county or discern similarities or differences across the approximately 3,000 counties in the United States.

WHAT IS JAIL?

Unlike state- or federally run prisons, which almost exclusively hold convicted persons serving custodial sentences of a year or more, jails are county- or municipality-run confinement facilities. They are administered by the local sheriff or department of correction, and primarily hold people who are charged with committing a criminal offense and awaiting the resolution of their cases. Jails also hold a smaller number of other people, including: 1) people sentenced to a short sentence, usually for a year or less; 2) people sentenced to longer periods of confinement awaiting transfer to prison, or assigned to serve their sentence in jail due to prison overcrowding; 3) people accused of violating terms of their probation or parole who are awaiting a hearing on the alleged violation or, having been found guilty, are awaiting transfer to state prison; 4) state prisoners transferred to local jurisdictions for court hearings; and 5) people held at the request of the federal government pending resolution of a federal criminal charge or immigration hearing.^a

The *Incarceration Trends* tool and this report define “local incarceration” to include all people in jail except the 45,000 individuals (6 percent of the U.S. jail population) held on behalf of federal authorities, such as the U.S. Marshals Service and U.S. Immigration and Customs Enforcement. The inclusion of the federal population would skew analyses of local justice systems.

^a In some states, such as Pennsylvania, jails have jurisdiction over certain people with sentences longer than a year. In other states, such as Kentucky, Louisiana, Tennessee, Mississippi, and Utah, the state department of corrections pays local governments to hold inmates in jail because space is not available in the state prison system.

The Vera Institute of Justice (Vera) seeks to fill this information gap by providing easily accessible, comprehensive, and comparable justice data at the county-level. To accomplish this goal, Vera has developed the *Incarceration Trends* tool that collates, organizes, and analyzes publicly available sources of information on jails—starting with incarceration rates, annual admissions, and disparities by race and gender—for every county in the United States from 1970 to 2014.⁵ (For more information, see “The *Incarceration Trends* Tool” on page 6.)

For policymakers, practitioners, and the public, the *Incarceration Trends* tool offers the opportunity to gain a deeper understanding of local incarceration trends, not only in a single county but across similarly situated jurisdictions. The tool can also help spot problems—such as racial disparities in local incarceration—and spark consideration of possible solutions. Because the *Incarceration Trends* tool enables cross-jurisdictional comparisons, users will be able to identify counties or cities with similar population profiles who have experienced similar problems in their use of jail, and who may serve as a model or resource in the development of potential reforms. The tool may also help uncover jurisdictions where local incarceration has become especially extensive and others where jail growth has been relatively limited, potentially pointing to ways to successfully limit the number of people who pass through the jailhouse door.

To help prompt discussion and foster action, this report provides a snapshot of overall jail growth and where it has been most prevalent between 1970 and 2014. The report also presents an analysis of how this growth has affected certain minority groups and women disproportionately. While tracking the overall upward trend in jail use, Vera’s findings also chronicle recent downsizing of jails in some places, suggesting that continued jail growth is neither inevitable nor unavoidable.

The expanding footprint of local incarceration: A snapshot of findings

That jails play a central role in the story of mass incarceration in the United States has only recently come to the attention of policymakers, practitioners, and the public. Jails are the way stations through which all too many people who are arrested pass briefly or remain until their cases are resolved, often because they are too poor to post bail or fail to comply with the conditions of their pretrial release.

Jails are also the main feeders of people sentenced to a term of custody in state or federal prisons, although it is becoming increasingly clear that just a few counties in each state are the main drivers of the state prison population. Moreover, the relationship between jails and prisons has become bidirectional, as a growing number of states use local jails to hold sentenced offenders to remedy prison overcrowding.⁶ For example, California has redefined which offenses are served in jail rather than prison, and Louisiana, Tennessee, and Mis-

THE INCARCERATION TRENDS TOOL

The *Incarceration Trends* tool currently merges data from three sources to study jail population for each U.S. county for the period 1970 to 2014.^a

The first source is the Bureau of Justice Statistics Annual Survey of Jails (SOJ). The SOJ has been fielded 25 times between 1985 and 2014 and captures data for a sample of a few hundred jails; in 2014, the sample was approximately 800 counties, which included the 250 largest jails.

The second source is the Bureau of Justice Statistics Census of Jails (COJ). The COJ has been fielded 10 times since 1970—1970, 1972, 1978, 1983, 1988, 1993, 1999, 2005, 2006, and 2013—but captures data for *all* counties.

The third source is information on county population collected by the U.S. Census Bureau, which is used, in combination with the jail data in the COJ and SOJ, to calculate incarceration rates—disaggregated by race and gender—and admissions. Admissions rates could not be disaggregated by race and gender because such information was not available for all jurisdictions for all years studied.

The key metrics considered in this report (and their method of calculation where relevant) are defined below:

- > **Jail population** is the average daily jail population or the number of people in the jail on any given day.
- > **Jail incarceration rate** is per-capita incarceration at one point in time, based on the county resident population aged 15 to 64 in the applicable year for the jail.^b
- > **Jail admissions** are the number of times people enter the jail in a year; this is almost always more than the number of people who enter in a given year as some people are admitted multiple times in a given year.

Mississippi are renting an ever-larger number of beds from county jails to house people who would normally serve out their sentences in prison.⁷

To better understand changes in the way that jails are used in the United States over time, Vera researchers conducted a historical analysis using the *Incarceration Trends* tool to examine: 1) jail population, 2) local incarceration rate, 3) jail admissions rate, 4) jail length of stay, and 5) jail incarceration rate by race and gender.

- > **Jail admission rate** is per-capita admissions based on the county resident population aged 15 to 64 in the applicable year for the jail.^b
- > **Length of stay** is the estimated time a person on average spends in jail. This is calculated by multiplying the average jail population by 365 (days in a year), to derive what corrections officials call “bed-days,” and dividing this result by the number of annual admissions.
- > **Jail-bed turnover** is the average proportion of beds occupied by people that are spending either their first or last day in jail. This is calculated by dividing the sum of the total annual jail admissions and the total annual jail discharges by 365 (days in a year) and dividing this result by the average daily jail population.

In addition to the above data, we include the following socio-economic and justice system data from the FBI Uniform Crime Reporting (UCR) program and the U.S. Census Bureau’s American Community Survey (ACS). While not analyzed in the report, the tool uses these data to identify similarly situated counties for interactive data visualization.

- > **County-level arrest data** from 2012. We use the total number of arrests, which includes both UCR Part I and Part II crimes. This data has limited coverage in some states, notably Illinois and Florida.
- > **Socio-economic demographic data** on median household income and percent of people below the poverty line in each county from the ACS 2013 five-year-estimates. This combines information from 2009-2013 into a single estimate for each county in the United States.

^a Six states (Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont) do not participate in the U.S. jail survey or census because they run unified state systems that combine prison and jail.

^b To get a more accurate picture of incarceration, youth under age 15 years old and people over 64 years old were removed from the general population to calculate rates since these groups are at very low risk of jail incarceration. Because the proportion of these groups varies greatly by county, keeping them in would skew rates and make comparisons between counties difficult. This method differs from most other sources of national incarceration rates, which use either the total resident population or the population aged 18 and older to calculate rates.

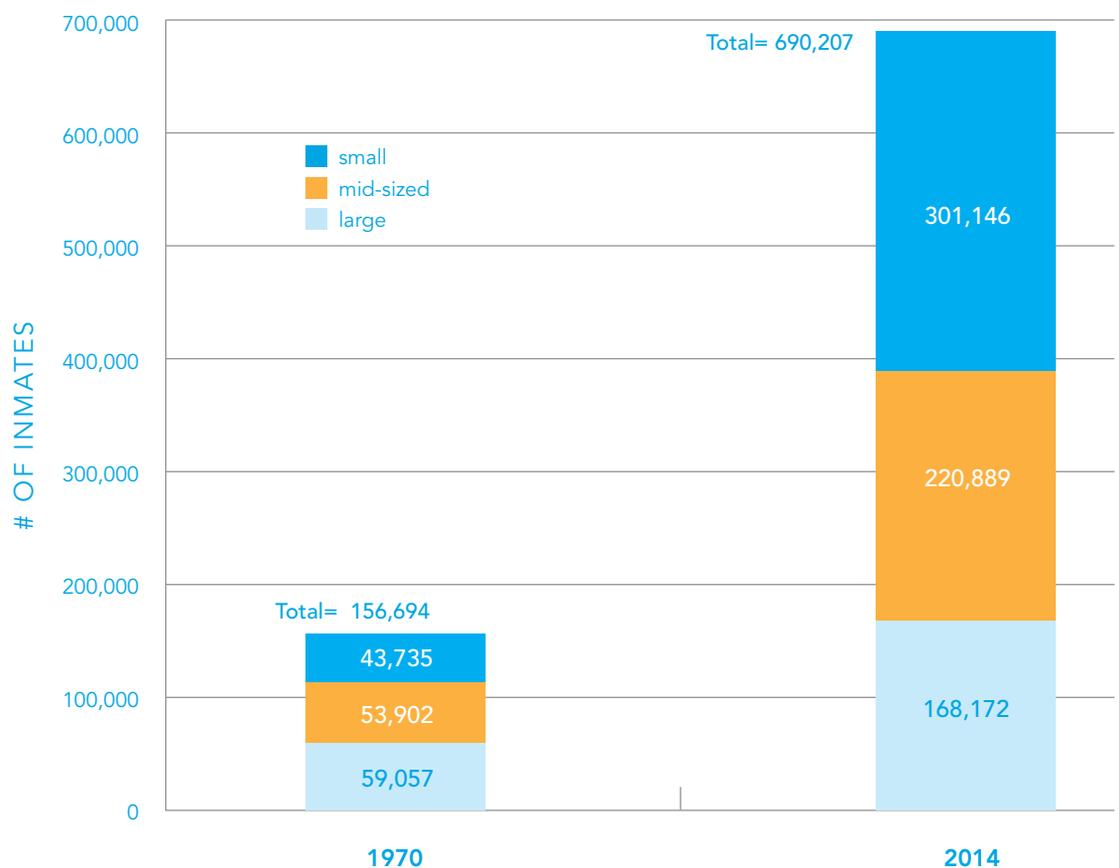
DECADES OF GROWTH

Since 1970, the number of people held in jail has escalated, from 157,000 people to 690,000 in 2014—a more than four-fold increase.⁸ This growth in jail populations has spurred the costly construction of new—or the expansion of existing—jails. Indeed, there was a notable rise in the number of counties with “super jails”—very large jail or jails systems of more than 1,000 beds—from only 21 in 1970, which were generally only found in the very largest cities, to 145 by 2014, with a majority in small and mid-sized counties.⁹

But Vera’s analysis also found something unexpected. The largest jails—Rikers Island (New York City), Los Angeles County Jail, Miami-Dade County (Florida) Jail, or Cook County (Chicago) Jail—often draw the most attention and

are the ones most often discussed by policymakers and in the media. But these jails, as with others in the largest counties, have not grown the most, nor are they located in the jurisdictions with the highest incarceration rates. Rather, mid-sized and small counties—which account for the vast majority of jails—have largely driven growth, with local jail populations increasing since 1970 by 4.1 times in mid-sized counties and 6.9 times in small counties. In contrast, the jail populations in large counties grew by an average of 2.8 times. (See Figure 1.) With incarceration rates far outpacing those of larger counties, smaller counties now hold just under half (44 percent) of all jail inmates compared to just under a quarter (24 percent) in the largest counties—a significant change from 1978, when small counties held 28 percent and large counties held 38 percent of the total U.S. jail population.¹⁰

Figure 1: Growth in jail populations, by county size



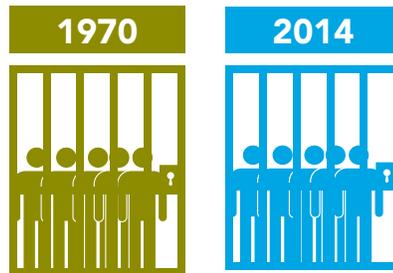
Source: Vera Institute of Justice analysis of the Bureau of Justice Statistics Census of Jails and Annual Survey of Jails. See “The Incarceration Trends Tool” on page 6 for additional detail.

Notes: Jail population excludes inmates held for federal authorities. County sizes by residents in 2014: large counties = >1 million residents; mid-sized counties = 250,000 to 1 million residents; and small counties = < 250,000 residents.

County sizes by percentage of U.S. jail population

The growth of the U.S. jail population has been driven by the growth of jails in small counties. The share of the U.S. jail population in the largest counties has declined.

% of U.S. Jail Population



County Size	1970	2014
Large counties (40) > 1M residents	38%	24%
Mid-sized counties (212) 250K–1M residents	34%	32%
Small counties (2,625) < 250K residents	28%	44%

Number of super jails by county size

“Super jails,” meaning those with more than 1,000 beds, were once only found in America’s largest cities but have since become common in mid-sized counties that comprise smaller cities and suburbs.

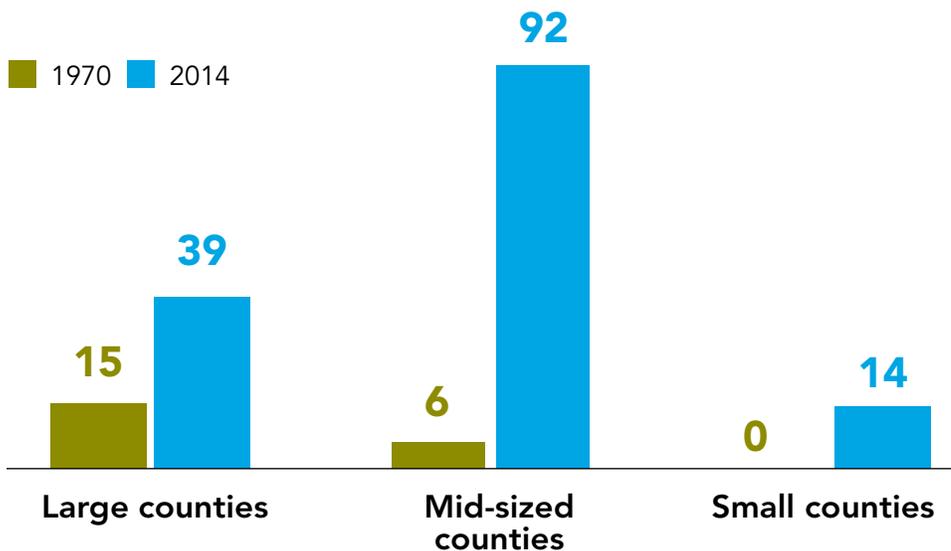
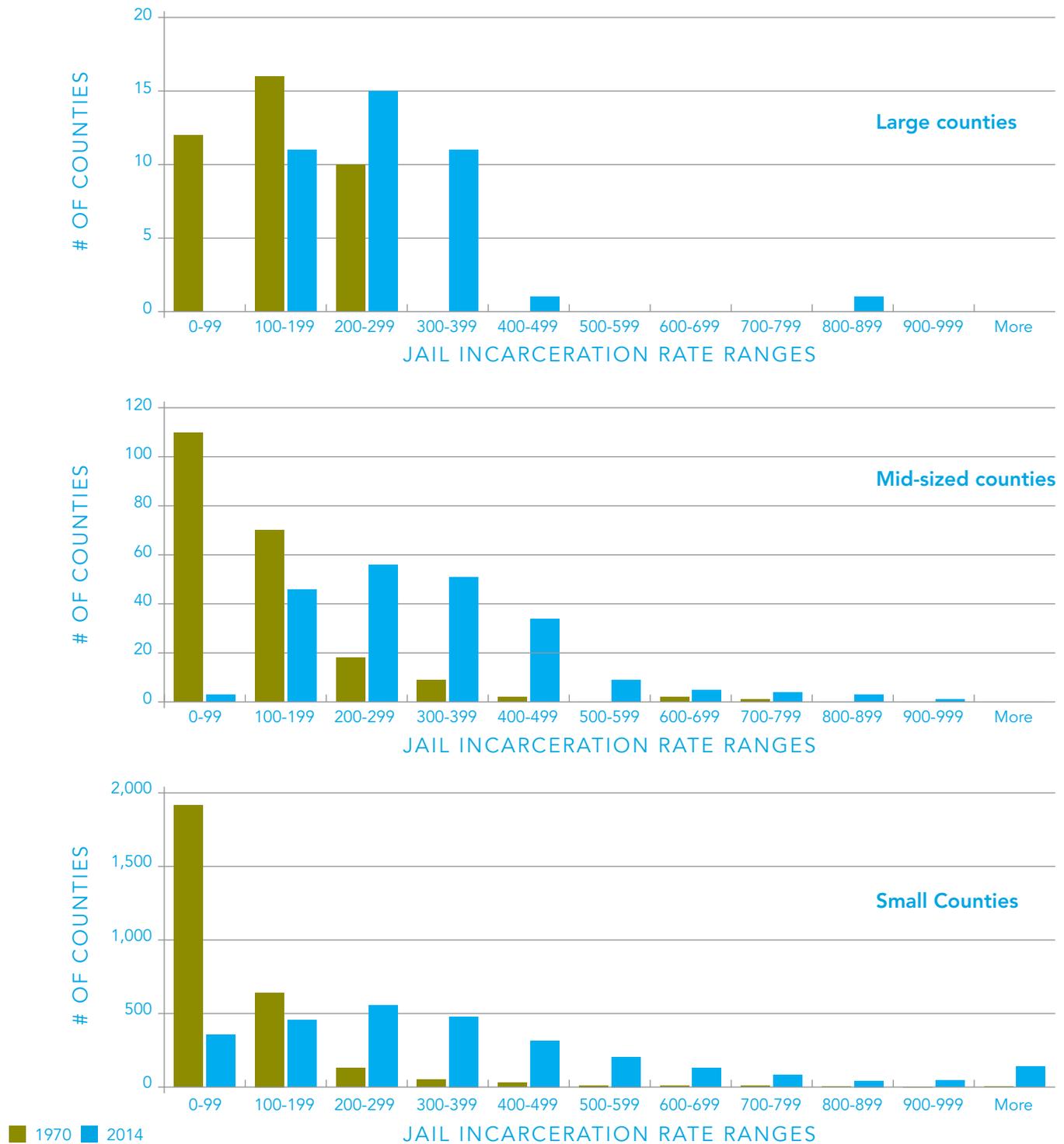


Figure 2: Jail incarceration rates, per 100,000, in 1970 and 2014, by county size



Source: Vera Institute of Justice analysis of the Bureau of Justice Statistics Census of Jails and Annual Survey of Jails. See "The Incarceration Trends Tool" on page 6 for additional detail.

Notes: Jail population excludes inmates held for federal authorities. Jail incarceration rate per 100,000 county residents ages 15 to 64. The 2014 charts use the most recently available data (2005) when 2014 data is not available in four of 39 large counties, 31 of 212 mid-sized counties, and all small counties. County sizes by residents in 2014: large counties = >1 million residents; mid-sized counties = 250,000 to 1 million residents; and small counties = < 250,000 residents.

As a result of the overall growth in jail populations, the nationwide jail incarceration rate in 2014 (326 per 100,000) exceeds the *highest* county rates registered in the 1970s, which rarely exceeded 300 per 100,000 county residents. (See Figure 2.) (Note that the incarceration and admission rates throughout this report are per 100,000 county residents ages 15 to 64; see “The *Incarceration Trends Tool*” on page 6 for more detail.) However, beneath this broad trend are wide variations in incarceration rates among counties of roughly the same size. For example, while the average incarceration rate among the 40 largest counties in 2014 was 271 per 100,000 residents, the full range of rates spans Philadelphia (810 per 100,000); San Bernardino County, CA (477 per 100,000); and Dallas County, TX (367 per 100,000) at the high end, and Hennepin County, MN (134 per 100,000); Montgomery County, MD (121 per 100,000); and Middlesex County, MA (82 per 100,000) at the low end.¹¹

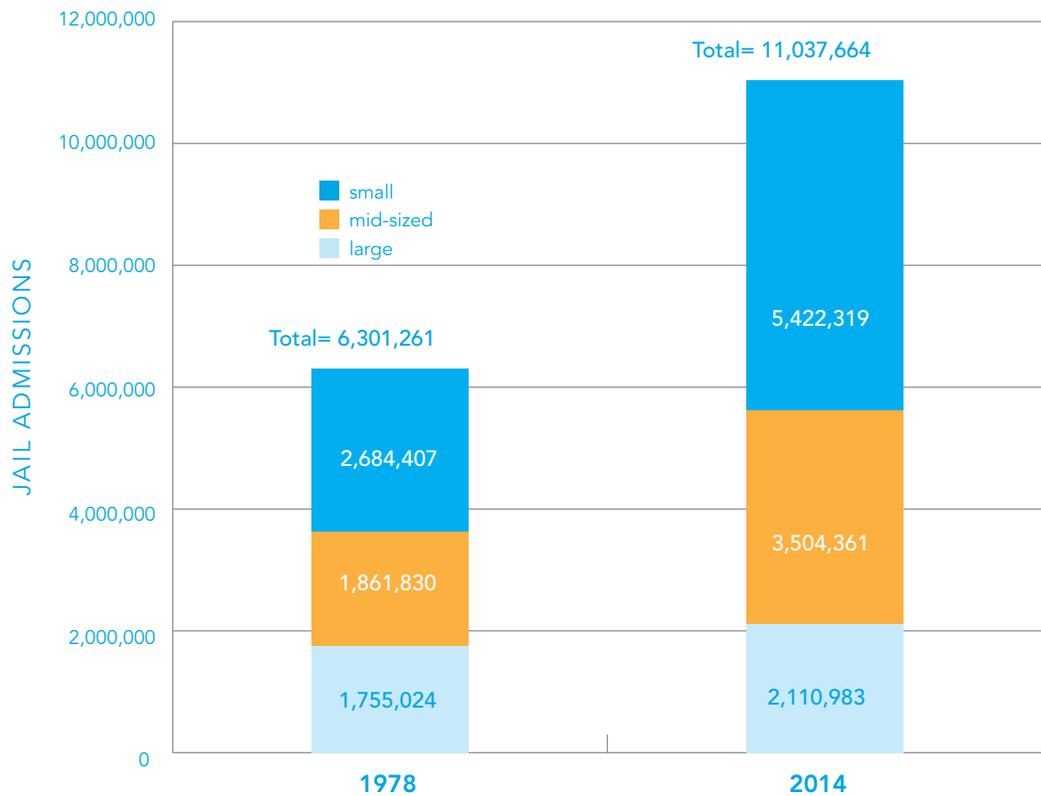
Meanwhile, while the average rate in 2014 for the 212 mid-sized counties was 20 percent higher than that of the larger counties—at 325 per 100,000 residents—many of them far exceeded this average, including Clayton County, GA (962 per 100,000); Shelby County, TN (876 per 100,000); and New Orleans, LA (861 per 100,000). And, as noted above, the growth in jail incarceration rates has been greatest in the smallest counties, with an average rate of 446 per 100,000—130 of which had rates exceeding 1,000 per 100,000.

As with the growth in jail populations and incarceration rates, jail admissions have also grown—1.75 times between 1978 and 2014—from 6.3 million to 11 million. Again, this growth has been steepest in the mid-sized and small counties, where jail admissions have doubled, compared to the 1.2 times increase in large counties. (See Figure 3.)

Because overall growth in the rate of jail admissions has been slower than the increase in average daily populations (a 1.75 versus four-fold increase), the daily increase in jail populations can only be explained by the fact that people are spending more time behind bars. Between 1978 and 2014, the average length of stay (LOS) in jail increased 2.5 times, from nine days to 23 days. This more than doubling of the average LOS effectively doubled overall the U.S. jail population—which is no small matter.

Moreover, the average LOS masks the fact that the LOS in many jurisdictions far exceeds the national average. Looking only at large counties, for example, the average LOS is far above the national average in some places: Philadelphia (89 days); Nassau County, NY (47 days); and New York City (54 days). To be sure, these lengths of stays are skewed by a small proportion of people with very long stays, as most who enter the jail are discharged within weeks. But nevertheless, those who do stay beyond a few weeks make up a large share of jail beds, in turn driving up the size of the jail. In contrast, due to their higher admission rates and relatively small jail populations, small counties have, on the other hand, experienced high “turnover” rates, meaning that a large share of their jail populations only stay for brief periods of time—hours rather than days, weeks, or months.

Figure 3: Growth in jail admissions, by county size



Source: Vera Institute of Justice analysis of the Bureau of Justice Statistics Census of Jails and Annual Survey of Jails. See “The Incarceration Trends Tool” on page 6 for additional detail.

Notes: Jail population excludes inmates held for federal authorities. County sizes by residents in 2014: large counties = >1 million residents; mid-sized counties = 250,000 to 1 million residents; and small counties = < 250,000 residents.

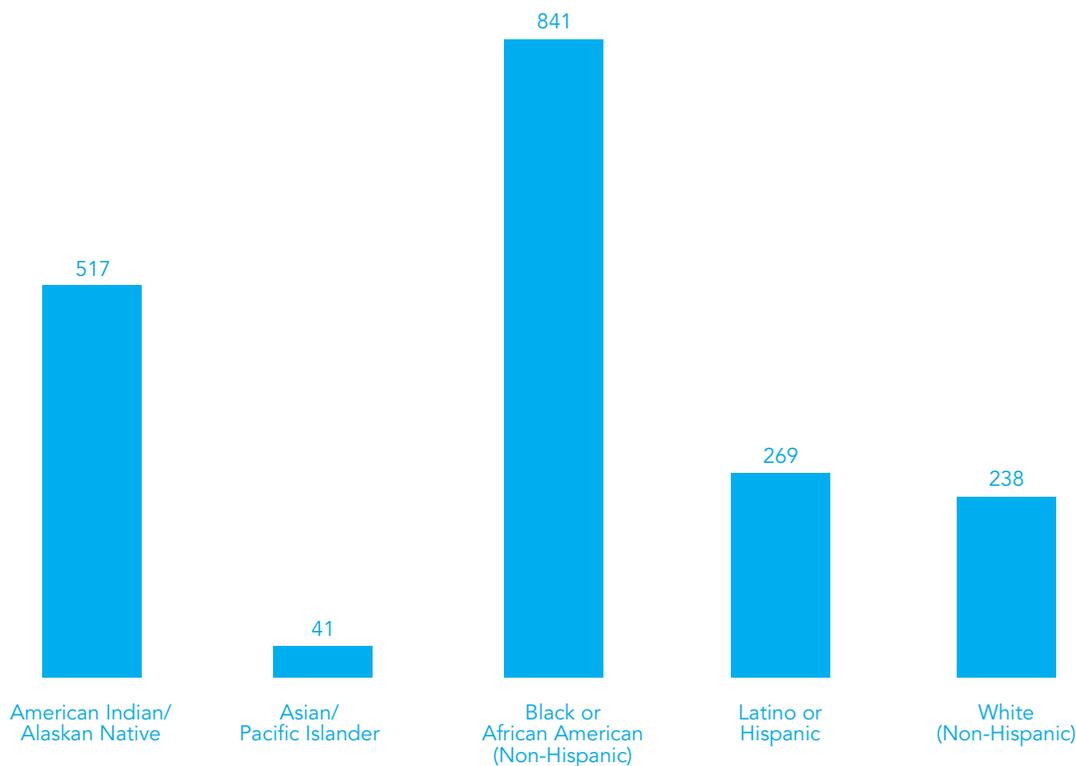
GROWTH’S DISPARATE IMPACTS

As with prison incarceration, the growth of jails has not affected everyone equally. While the typical metrics of jail incarceration—average daily population, admission, or incarceration rates, or average LOS—are necessary to understand the overall story, they mask insidious outcomes of this growth. This is borne out in the data: steeply higher incarceration rates among African Americans and certain other minority groups, when compared to whites; and female jail incarceration rates that have grown far faster than jail incarceration rates for men.

Despite the fact that African Americans comprised 13 percent of the general population in 2014, they made up 35 percent of the jail population. Similarly, Native Americans comprise only 0.8 percent of the general population, but 1.4 percent of the jail population. (See Figure 4.)

Meanwhile, although women only accounted for 5 percent of the jail population in 1970, their proportion nearly tripled in four decades (14 percent)—representing a 14-fold increase in population, from fewer than 8,000 in 1970 to

Figure 4: Jail incarceration rates, per 100,000, by race and ethnicity (2014)



Source: Vera Institute of Justice analysis of the Bureau of Justice Statistics Annual Survey of Jails. See “The Incarceration Trends Tool” on page 6 for additional detail.

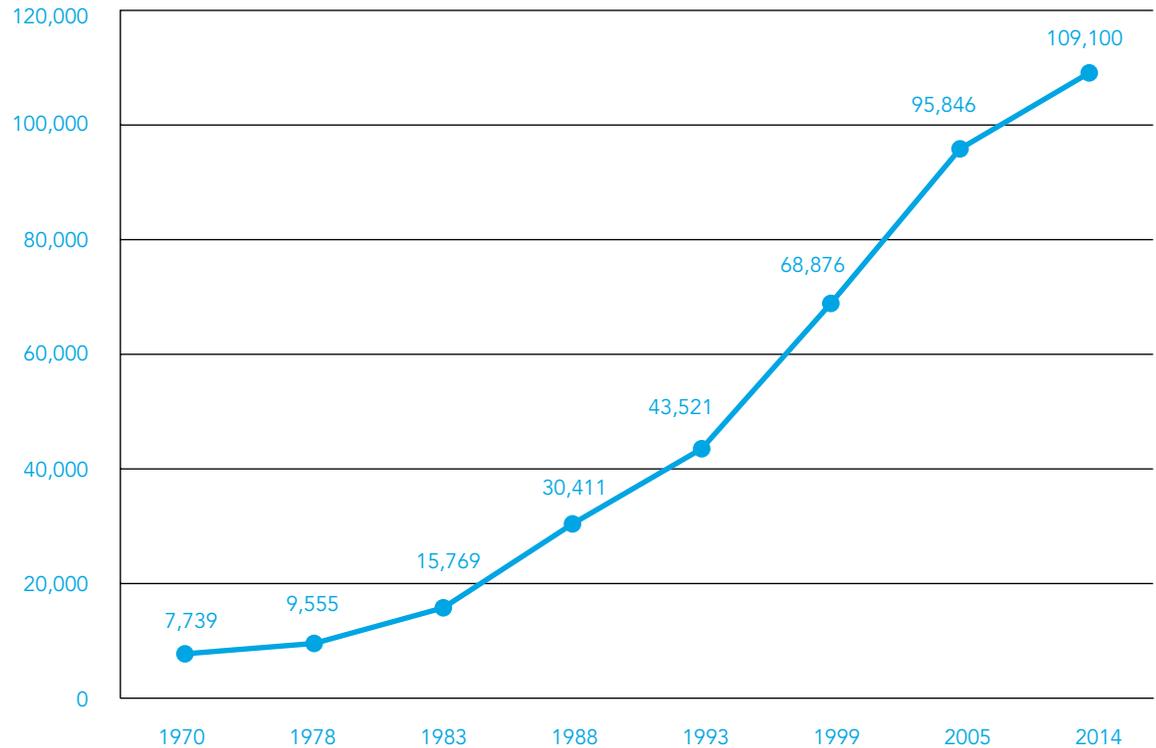
Note: Jail incarceration rate per 100,000 county residents age 15 to 64.

nearly 110,000 women in 2014. (See Figure 5.) While their rate of confinement by county in 1970 averaged 12 per 100,000, and rarely exceeded 50 per 100,000, it averaged 106 per 100,000—with rates in many of the mid-sized and small counties exceeding 200 per 100,000—in 2014.

Vera’s analysis of racial and gender disparities in jail incarceration revealed surprising trends. Although the white jail incarceration rate is 238 per 100,000 nationwide, the African American rate is 841 per 100,000, and 50 percent higher in small counties. The Latino incarceration rate of 269 per 100,000 nationwide is three times lower than the African American rate. But when it comes to jails, the aggregate total never tells the whole story, as the Latino incarceration rate ranges as high as 1,032 per 100,000 in Pennsylvania, 934 per 100,000 in New Mexico, and 917 per 100,000 in Massachusetts.

For women, among mid-sized and large counties, four of the five highest female incarceration rates are found in the South: Chatham County, GA (391 per 100,000); Clayton County, GA (301 per 100,000); Marion County, FL (272 per 100,000); York County, PA (263 per 100,000); and Fayette County, KY (244 per 100,000).

Figure 5: Female jail population, 1970 to 2014



Source: Vera Institute of Justice analysis of the Bureau of Justice Statistics Census of Jails and Annual Survey of Jails. See “The Incarceration Trends Tool” on page 6 for additional detail.

Understanding growth and disparities

What explains this growth? The continuing rise in the use of jail does not track with crime rates, as these have steadily decreased nationwide since their peak in 1991—a period that has nonetheless witnessed escalating local incarceration.¹² Nor can the decrease in crime be solely attributed to the aggressive use of incarceration, since mounting evidence indicates that such use has made only a marginal contribution to continuing decreases in crime.¹³

Rather, policy choices—enacted in state and federal criminal laws and interpreted and deployed in practice by the police, prosecutors, judges, and others at the local level—have likely propelled the decades-long expansion of jails in the United States.¹⁴ That the footprint of local incarceration has expanded despite the country growing safer rests with a constellation of on-the-ground local decisions and practices that have affected jail admissions and length of stay—the two levers which determine the size of the jail population—resulting in more people entering jail and staying there for longer periods of time.

A growing number of counties have demonstrated that a different course is possible. In recent years, some counties have registered a decline in their jail incarceration rate, a trend most prevalent in the largest counties and municipalities. Seventy-six percent of the largest counties and 64 percent of mid-sized counties had a lower incarceration rate in 2014 than in 2005.¹⁵ While some of these counties, such as Orange County in Florida, registered declines because of a concomitant upward tick in their general population and slight decline in jail population, other localities did so as a result of deliberate efforts to reduce the number of people held in local custody.

While jail populations have actually declined in more than half of large and mid-sized counties between 2005 and 2014, research is needed to understand the drivers of these declines. For example, some of these counties reduced their jail populations in response to federal consent decrees or class-action suits due to unconstitutional conditions caused by persistent jail overcrowding—as was the case, for example, in Camden County in New Jersey (16 percent decline between 2005 and 2014) and New Orleans (59 percent decline between 2005 and 2014).¹⁶ But others, like Multnomah County in Oregon (42 percent decline between 2001 and 2014) and New York City (33 percent decline between 1999 and 2014), did so by developing and implementing new policies and practices to reduce jail admissions or unnecessarily long jail stays.¹⁷ Whatever the impetus, reforms included the increased use of citation and release (New York and New Orleans), the implementation of pretrial services or alternatives to detention programs (Camden), and changes in arrest practices and wider use of treatment courts, diversion programs, or dispositional alternatives to redirect defendants away from custodial arrest and conventional criminal case processing (New York and Multnomah), and the use of administrative sanctions, in lieu of jail, for those that violate the terms of their probation (Multnomah).¹⁸

A number of places—such as Camden County—demonstrate, however, how difficult it can be to sustain the desired impacts of reform, especially given the competing claims of local system actors who need to work in concert in keeping jail numbers down. Despite sharply reducing its jail population in response to a class-action suit in 2009, Camden’s jail population numbers again climbed with the creation of a county-run police department in May 2013 that put more officers on the streets, pushed arrests to record highs, and flooded the jail with new arrivals.¹⁹ As a result, Camden has had to make adjustments along the full continuum of the front-end criminal justice system to stem this growth, including expanded court hours to conduct more arraignments and expedite release or detention decisions, the addition of more prosecutors to increase the speed of case processing, and the increased use of alternatives to detention, such as electronic monitoring, for higher-risk defendants.²⁰

Using the *Incarceration Trends* tool

The impact on jail population due to changes within one (or more) key criminal justice agencies—as the Camden example demonstrates—suggests that sustainable reform hinges on the ability of jurisdictions not only to understand their own jail’s history of growth but also to track whether the intended outcomes are being achieved. For counties that want to question the size and use of their own jails, the *Incarceration Trends* tool allows them to explore how their use of incarceration has changed over time, how it compares with similarly situated counties, and, most important, to plan for the future and evaluate reform efforts.

Take a hypothetical county—“America County”—as a case in point. America County’s local jail is outdated and overcrowded. The county could invest money in building a new jail as a way to both accommodate jail population growth and update its physical plant. On the other hand, it could implement reforms to stem the flow of people into jail or shorten their time there. Officials are unsure: some feel that local incarceration has increased over time as an appropriate response to actual or perceived levels of crime; others believe that jail alternatives might be too expensive to implement. As a starting point, county officials can use the *Incarceration Trends* tool to identify similarly situated counties in the region or elsewhere that have managed to reduce their jail populations and local incarceration rates and might serve as resources while weighing options on how to deal with jail growth. County officials may decide after some investigation to adapt and implement a suite of reforms taken from a handful of similar counties and, after implementation, use the *Incarceration Trends* tool to track their progress in downsizing their jail relative to similarly situated counties.

But local incarceration problems go beyond just the size of the jail. The *Incarceration Trends* tool can also help jurisdictions see how their use of jail incarceration has had disparate racial and gender impacts. This is important because even places that have reduced their use of jail—such as San Francisco—may still have comparably higher than average incarceration rates among African Americans, for example. This suggests that more work needs to be done beyond shrinking the size of a jail. Multnomah County in Oregon, for example, has recognized this need. Though Multnomah County has managed to downsize its overall jail population, the county is currently working to reduce the disproportionate incarceration of people of color.²¹

Conclusion

Despite increasing interest in reducing jail incarceration, any reform effort will beg the question: What size should any given county or municipality's jail be? Following four decades of growth, it is easy to forget that jails were not always the size they are today. There is no mathematical formula that can offer a precise answer to this question for every one of the country's approximately 3,000 jail jurisdictions. However, the wide variations among similar counties demonstrated in this analysis show that the number of people behind bars—and their demographic disparities—is largely the result of policy and practice choices. The *Incarceration Trends* tool provides any jurisdiction with the appetite for change the opportunity to better understand its history of jail use and measure its progress toward much needed decarceration.

ENDNOTES

- 1 For international comparisons, see Roy Walmsley, *World Prison Population List*, 10th edition (London, England: International Center for Prison Studies, 2013); and for the federal bipartisan consensus see, for example, Jennifer Steinhauer, "Bipartisan Push Builds to Relax Sentencing Laws," *New York Times*, July 28, 2015, 105, p. A1.
- 2 For state-level efforts, for example, see Lauren-Brooke Eisen and Juliene James, *Reallocating Justice Resources: A Review of State 2011 Sentencing Trends* (New York, NY: Vera Institute of Justice, 2012); Ram Subramanian and Ruth Delaney, *Playbook for Change? States Reconsider Mandatory Sentences* (New York, NY: Vera Institute of Justice, 2014); and Ram Subramanian and Rebecka Moreno, *Recalibrating Justice: A Review of 2013 State Sentencing and Corrections Trends* (New York, NY: Vera Institute of Justice, 2014). Also see Alison Lawrence, *Trends in Sentencing and Corrections: State Legislation* (Washington, DC: National Conference of State Legislatures, 2013); and Nicole D. Porter, *The State of Sentencing 2013: Developments in Policy and Practice* (Washington, DC: The Sentencing Project, 2014).
- 3 For jail admissions data, see Todd D. Minton and Zhen Zeng, *Jail Inmates at Midyear 2014 Statistical Tables* (Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics, 2015), 8; for the average daily jail population, see Minton and Zeng, 2014, 1.
- 4 For the number of jail jurisdictions, see Minton and Zeng, 2014, 10.
- 5 Throughout this report, county refers to both counties and county equivalents like parishes and independent cities. Six states (Alaska, Connecticut, Delaware, Hawaii, Rhode Island, and Vermont) do not participate in the jail survey or census because they run unified state systems that combine prison and jail.
- 6 The most notable example of this is in California, where the state prison system has been under order to reduce overcrowding in the state's prisons. See *Brown v. Plata*, 131 S.Ct. 1910 (2011). Also see Realignment Act (AB 109) of 2011, which transferred a large number of convicted felony offenders in state prison or on parole to the authority of California's 58 counties. For recent research on the impact of AB 109 on jail populations, see Magnus Lofstrom and Steven Raphael, *Impact of Realignment on County Jail Populations* (San Francisco, CA: Public Policy Institute of California, 2013).
- 7 For California, see Proposition 47 of 2014 at <http://perma.cc/NX2J-HX5F>. Also, for information on the impact of Proposition 47 after its enactment and implementation, see Don Thompson, "County jail populations across California dip after Prop 47," February 2, 2015 at <http://perma.cc/K3YE-D8NS>; for Louisiana, Tennessee and Mississippi, determination based on authors' calculations using data on state inmates held in local jails from the Bureau of Justice Statistics, National Prisoner Statistics data series at <http://perma.cc/4P9D-3CYW>.
- 8 These jail populations exclude inmates held by local jails for federal authorities, such as the U.S. Marshals Service and Immigrations and Customs Enforcement.
- 9 The 1,000 beds could be in one or across multiple facilities within one jail jurisdiction.
- 10 In 2014, 30 percent of U.S. residents lived in the 40 largest counties, 34 percent lived in the 212 mid-sized counties, and 36 percent lived in the more than 2,600 small counties. These proportions have barely changed since 1970 when they were 29 percent, 33 percent, and 38 percent respectively.
- 11 The average incarceration rates are based on 2014 data, except in Montgomery and Middlesex counties, which are based on 2013 data.
- 12 Ram Subramanian et al., *Incarceration's Front Door: The Misuse of Jail in America* (New York, NY: Vera Institute of Justice, 2015) 8-9.
- 13 Don Stemen, *Reconsidering Incarceration: New Directions for Reducing Crime* (New York, NY: Vera Institute of Justice, 2007). Also see J. Travis, B. Western, and S. Redburn, eds., *The Growth of Incarceration in the United States: Exploring Causes and Consequence* (Washington, DC: National Research Council, 2014), 155.
- 14 For further discussion, see Ram Subramanian et al., *Incarceration's Front Door: The Misuse of Jails in America*, 18-45; also see Travis, Western, and Redburn, 2014.
- 15 This is based on an analysis of the 39 large counties and 184 mid-sized counties sampled in the 2014 Annual Survey of Jails.
- 16 For information about Camden County, NJ, see Jim Walsh, "Camden County Jail overcrowded again," *Courier Post*, August 11, 2014 at <http://perma.cc/2MUF-SWMR>. For the study that analyzed the drivers of Camden's jail population and the recommendations proposed to reduce it, see Marie VanNostrand, David Bogard, and Michele Deitch, *Camden County, NJ Jail Population Analysis: Strategies to Reduce Jail Crowding While Maintaining Public Safety and the Integrity of the Judicial Process* (St. Petersburg, FL: Luminosity Solutions, 2009) at <http://perma.cc/3HJE-AQGF>; also see Luminosity Solutions, *Responsible Jail Population Reduction: Camden County, New Jersey* (St. Petersburg, FL: Luminosity Solutions, 2014) at <http://perma.cc/UU4A-WUBV>. For information about New Orleans, see Judge Calvin Johnson (Rtd.), Mathilde Laisne, and Jon Wool, *Criminal Justice: Changing Course on Incarceration*, (New Orleans, LA: The Data Center, 2015).
- 17 For information about New York City, see James Austin and Michael Jacobson, *How New York City Reduced Mass Incarceration: A Model for Change?* (New York, NY: Vera Institute of Justice, 2013), 18-25.
- 18 For information about the use of citations in New Orleans, see Criminal Justice Leadership Alliance, "Use of Summonses versus Custodial Arrest for Municipal Offenses," December 8, 2010, and Criminal Justice Leadership Alliance, "Use of Summonses versus Custodial Arrest for Municipal Offenses," July 14, 2011, unpublished reports provided to Vera in its role as a member of the alliance; for information about the use of desk appearance tickets in New York City, see for example Mary T. Phillips, *The Past, Present, and Possible Future of Desk Appearance Tickets in New York City* (New York, NY: New York City Criminal Justice Agency, 2014); for information about pretrial services and alternatives-to-detention in Camden County, see Luminosity Solutions, 2014; for information on New York, see Austin and Jacobson, 2013, 7 and 25. Information about Multnomah County supplied by Scott Taylor, director, Multnomah County Department of Community Justice, e-mail exchange with Vera, November 17, 2015.
- 19 Jim Walsh, "Camden County Jail overcrowded again," *Courier Post*, August 11, 2014 at <http://perma.cc/K8CC-DUYS>. For a history of the case, see *Corri Dittimus Bey, et al. v. County of Camden, et al.* Civil No. 05-063 (D.N.J. Nov. 12, 2013).
- 20 Jim Walsh, August 8, 2014; "Policing in Camden has Improved, but Concerns Remain," ACLU-NJ, <http://perma.cc/UTJ4-NZZV>.
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