

# Incarceration's Front Door: The Misuse of Jails in America

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REPORT SUMMARY

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The Vera Institute of Justice is an independent nonprofit organization that combines research, demonstration projects, and technical assistance to help leaders in government and civil society improve the systems people rely on for justice and safety.

For more information about this or other publications from Vera's Center on Sentencing and Corrections, contact Ram Subramanian at [rsubramanian@vera.org](mailto:rsubramanian@vera.org).

This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of its Safety and Justice Challenge initiative, which seeks to address over-incarceration by changing the way America thinks about and uses jails. Core to the Challenge is a competition designed to support efforts to improve local criminal justice systems across the country that are working to safely reduce over-reliance on jails, with a particular focus on addressing disproportionate impact on low-income individuals and communities of color.

More information is available at [www.SafetyandJusticeChallenge.org](http://www.SafetyandJusticeChallenge.org).

On any given day in the United States there are 731,000 people sitting in more than 3,000 jails. Despite the country growing safer—with violent crime down 49 percent and property crime down 44 percent from their highest points more than 20 years ago—annual admissions to jails nearly doubled between 1983 and 2013 from six million to 11.7 million, a number equivalent to the combined populations of Los Angeles and New York City and nearly 20 times the annual admissions to state and federal prisons. Not only are more people ending up in jail today compared to three decades ago, those who get there are spending more time behind bars, with the average length of stay increasing from 14 days to 23 days.

Although jails serve an important function in local justice systems—to hold people deemed too dangerous to release pending trial or at high risk of flight—this is no longer primarily what jails do or whom they hold. Three out of five people in jail are unconvicted of any crime and are simply too poor to post even low bail to get out while their cases are being processed. Nearly 75 percent of both pretrial detainees and sentenced offenders are in jail for nonviolent traffic, property, drug, or public order offenses. Underlying the behavior that lands people in jail, there is often a history of substance abuse, mental illness, poverty, failure in school, and homelessness. Moreover, jailing practices have had a disproportionate impact on communities of color. Nationally, African Americans are jailed at almost four times the rate of white Americans despite their making up only 13 percent of the U.S. population. Locally, disparities can be even starker: in New York City, for example, blacks are jailed at nearly 12 times and Latinos more than five times the rate of whites.

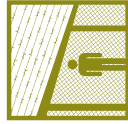
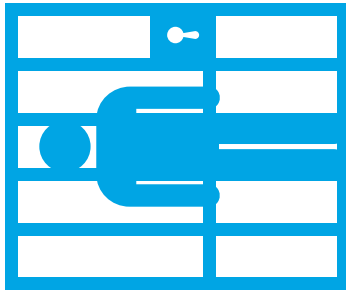
Although most defendants admitted to jail over the course of a year are released within hours or days, rather than weeks or months, even a short stay in jail can have dire consequences. Research has shown that spending as few as two days in jail can increase the likelihood of a sentence of incarceration and the harshness of that sentence, reduce economic viability, promote future criminal behavior, and worsen the health of the largely low-risk defendants who enter them—making jail a gateway to deeper and more lasting involvement in the criminal justice system at considerable costs to the people involved and to society at large.

Local policymakers and their constituents interested in reducing recidivism, improving public safety, and promoting stronger, healthier communities might do well to take a hard look at how the jail in their city or county is used. To help foster public debate and action, this report offers an overview of the nation's misuse of jails. It examines the characteristics of the people currently being held; the key policies that have contributed to their cycling in and out; and the negative impacts that jail incarceration can have on people, their families, and the communities to which they return. The report then focuses on six key decision points along the trajectory of a typical criminal case—arrest, charge, pretrial release/bail, case processing, disposition and sentencing, and supervision and reentry—to explore how the decision makers (from police and prosecutors to judges and corrections officials) at each point currently exercise their discretion and what they could otherwise choose to do to stem the tide of people unnecessarily entering jails and to shorten the stay of those admitted.

Read the complete report at [www.vera.org/incarcerations-front-door](http://www.vera.org/incarcerations-front-door).

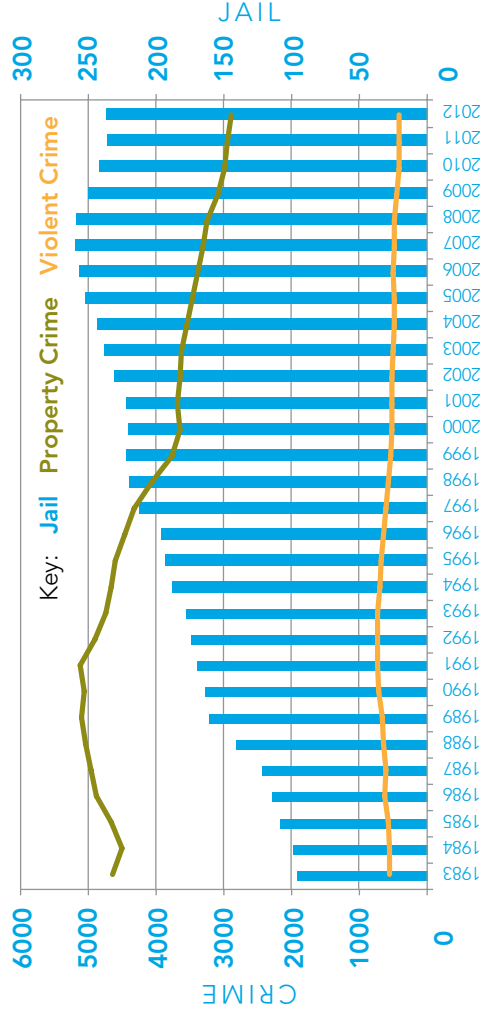
# INCARCERATION'S FRONT DOOR: THE MISUSE OF JAILS IN AMERICA

Jails have a much broader reach than prisons. Although state and federal prisons incarcerate, on any given day, about twice the number of people than jails, each year jails have close to 20 times more admissions than prisons.

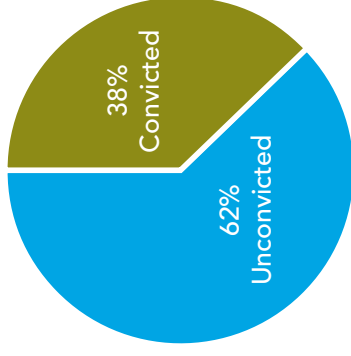


State & federal prisons: 631,000

Crime and jail rates per 100,000

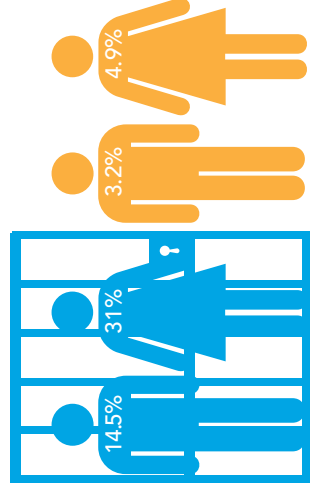
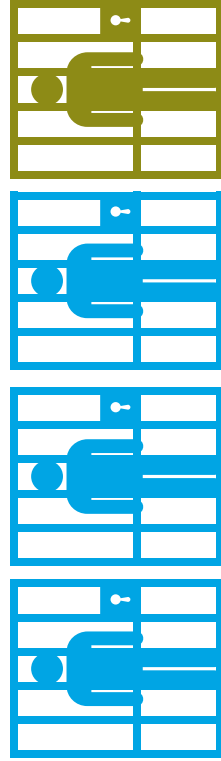


While the country has grown safer since the early 1990s, an ever-larger proportion of the population is being sent to jail.

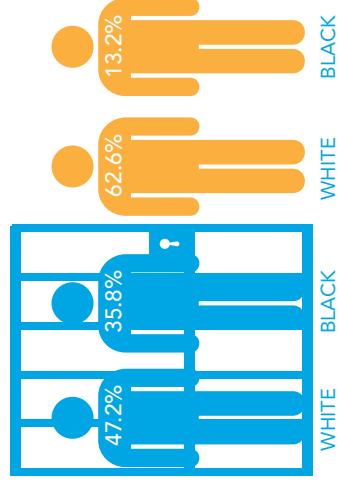


Three out of five people in jail are legally presumed innocent, awaiting trial or resolution of their cases through plea negotiation, and simply too poor to post even low bail.

Nearly 75 percent of people in jail are being held for nonviolent traffic, property, drug, or public order offenses.



Serious mental illness affects men and women in jail at rates four to six times higher than in the general population.



African Americans are jailed at almost four times the rate of white Americans.