

REDUCING THE MISUSE AND OVERUSE OF JAILS IN SAFETY AND JUSTICE CHALLENGE SITES

An Interim Progress Report Summary

A Report Prepared by the CUNY Institute for State and Local Governance



Supported by the John D. and Catherine T. MacArthur Foundation



CUNY INSTITUTE
FOR STATE & LOCAL
GOVERNANCE

AMERICA HAS AN OVER-INCARCERATION PROBLEM, AND IT BEGINS IN ITS LOCAL JAILS. EACH YEAR THERE ARE NEARLY 11 MILLION JAIL ADMISSIONS IN THE UNITED STATES, AND IN MANY REGIONS, JAIL POPULATIONS HAVE REACHED CRISIS LEVELS.

Jails are intended to hold people who are awaiting court proceedings and are considered a flight risk or public safety threat. However, today, 75% of people across our nation's 3,100 local jails are being held for nonviolent offenses, and three out of five are legally presumed innocent. While most people admitted to jail are released within hours or days of their booking, many cannot afford to post bail and may remain behind bars for weeks.

Our over-reliance on jails is not only expensive for taxpayers, it also has negative impacts on people who are incarcerated, their families, and communities. A significant proportion of people in jail have a diagnosable substance abuse disorder, a serious mental illness, or both – conditions that can be exacerbated by confinement. Research shows that only a few days in jail can increase the likelihood of a sentence, make such a sentence harsher, and promote future criminal behavior, making jail a gateway to deeper involvement with the criminal justice system. These and other burdens of jail fall disproportionately on communities of color: Black Americans are jailed at five times the rate of Whites.

In 2015, the John D. and Catherine T. MacArthur Foundation launched the Safety and Justice Challenge (SJC), a multi-year initiative to reduce populations and racial disparities in American jails. To date, the SJC has provided \$217 million to help 51 jurisdictions in 32 states use innovative, collaborative, and evidence-based strategies to create fairer, more effective justice systems. Our report measures the effectiveness of reforms in 14 jurisdictions that have submitted case-level data for analysis from May 2016 to April 2019. It does not reflect the full range of progress in some sites, or the widespread jail population declines that have occurred during the COVID-19 pandemic of 2020.

KEY TAKEAWAYS

Jail populations can be successfully reduced. From 2016 to 2019, the Average Daily Population (ADP) declined significantly across sites, especially for the pretrial population. The decrease was 18% across all sites combined, and in 10 of the 14 sites, the decrease totaled 5% or more. For those who were being held pretrial or were awaiting action on their case, the decrease was 19% across all sites combined, with seven of the 11 jurisdictions that provided data reporting a decrease of 5% or more.

The decline in ADP was mostly driven by a decline in bookings, not a reduction in the length of time people are spending in jail. Across all sites, bookings were down 6%, and nine of the 14 sites showed reductions of 5% or more. The average length of stay in jail (ALOS) for individuals remained the same or increased in most sites.

While many outcomes for People of Color* improved, disparities persisted. Booking rates for People of Color were down 5% or more in 10 of the 14 sites. There was also an 11% overall decline in the over-representation of People of Color in jail for misdemeanors. Despite that progress, the booking rate for People of Color relative to that of White People was down 5% or more in only three sites.

Sites have made progress reducing the representation of misdemeanors in their jails. This trend was most apparent among bookings, where nine of the 12 sites providing data reduced misdemeanor bookings by 5% or more. However, there is room for improvement for felonies: only four of the 12 saw such reductions for felony bookings.

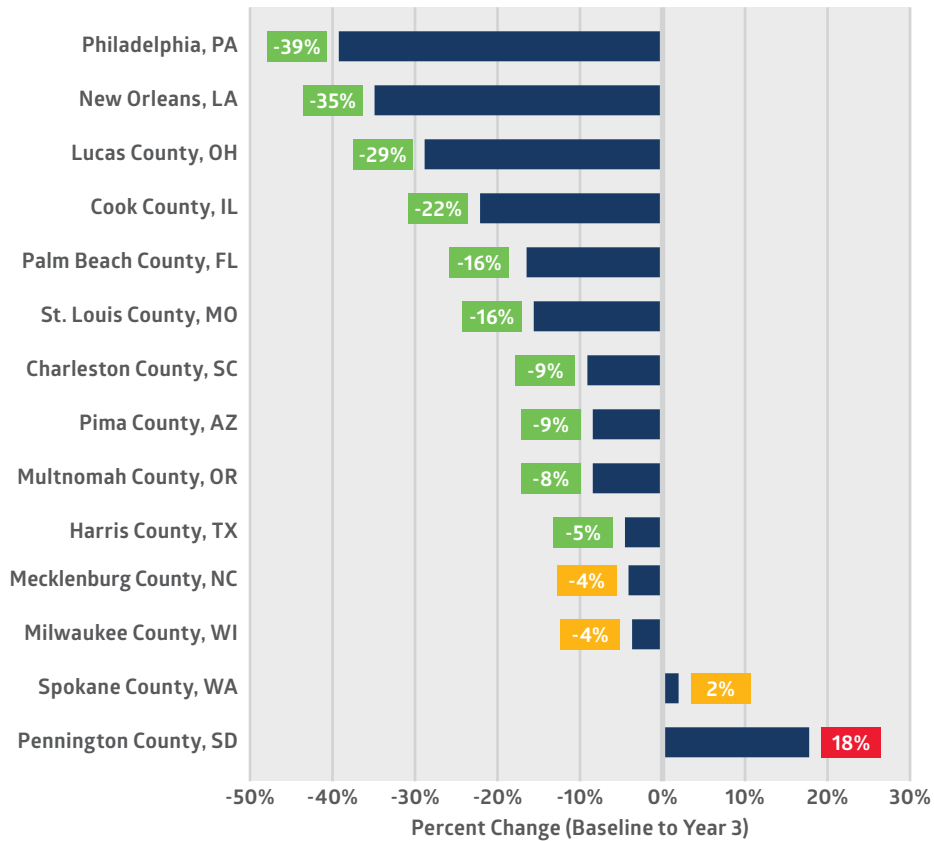
There is no clear pattern of progress for “frequent utilizers” of jails. Frequent utilizers are people who have been booked three or more times in a one-year period. In some sites that population has increased, and in others it has decreased.

Length of stay is mostly increasing, but the interpretation is complicated. When looking at the average length of stay at time of release, six sites saw an increase of 5% or more while four saw a decrease of 5% or more. For the in-custody population, nine of the 14 sites experienced an increase in ALOS, with six of them experiencing an increase of 20% or more. The increase in ALOS may mean longer case processing times, but may also reflect a reduction in bookings among people who are in jail for short stays. Therefore, it is unclear how to interpret these results at this time.

* The broad “People of Color” category is used in this report due to limitations in the ability to consistently track more specific categories of race and ethnicity across sites. We acknowledge that the specific racial and ethnic groups most affected by the system, including Black, Latinx, and Native American people, may differ across sites.

OVERALL ADP AND ADP FOR THE PRETRIAL POPULATION IN JAILS HAS DECLINED SIGNIFICANTLY

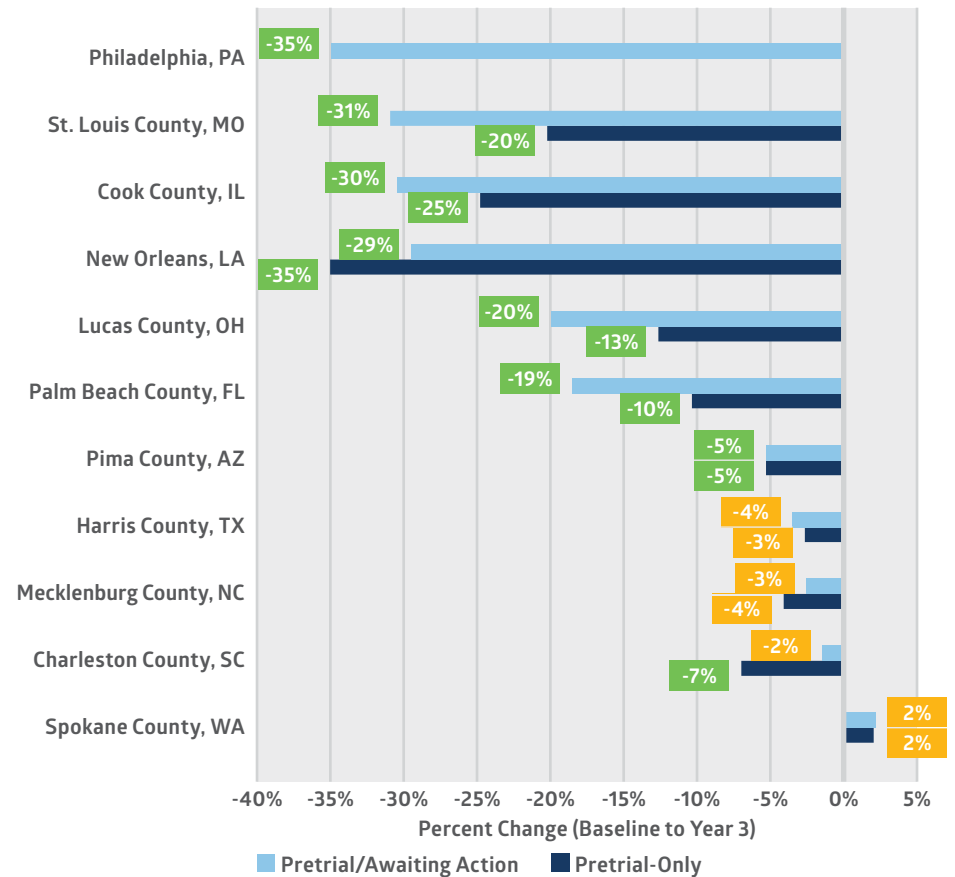
Change in Overall ADP



ADP declined 18% and in 10 of 14 individual sites.

* Pretrial/awaiting action includes people with pending criminal charge(s) and individuals in jail for a probation or parole violation. Pretrial-only is a subset of pretrial/awaiting action – includes individuals with open/pending charges only.

Change in ADP for Pretrial/Awaiting Action and Pretrial-Only Populations*

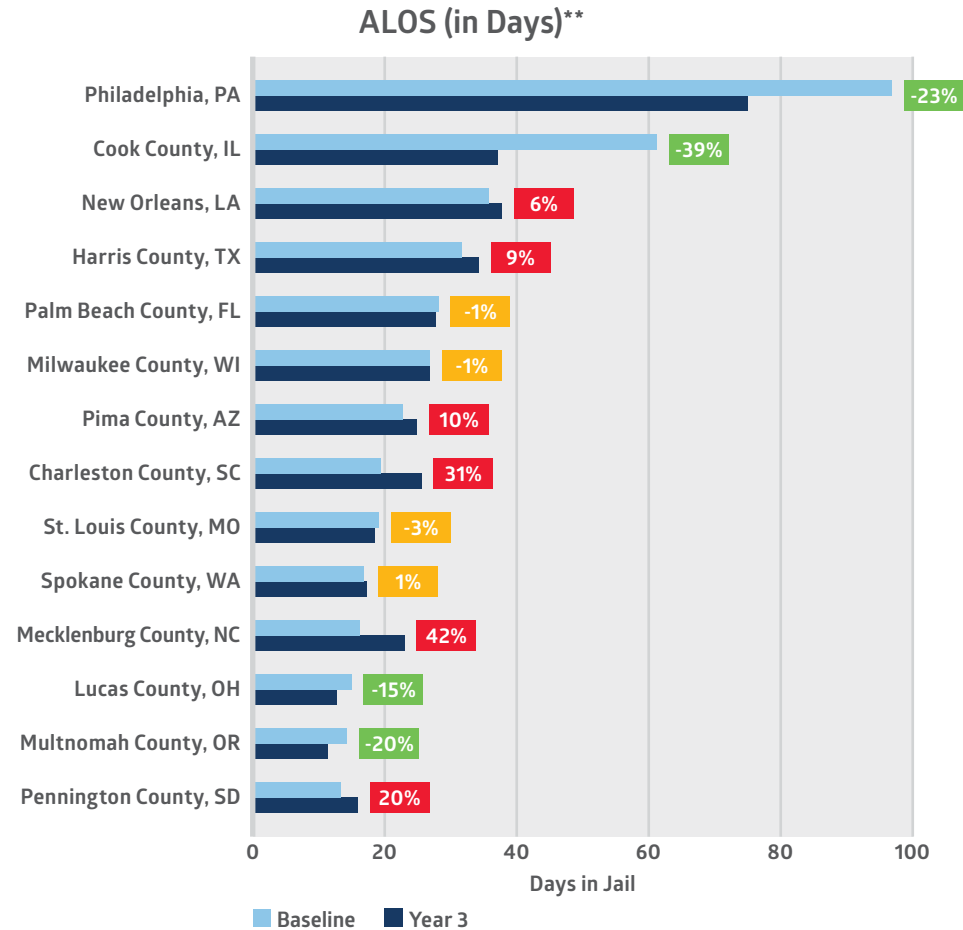
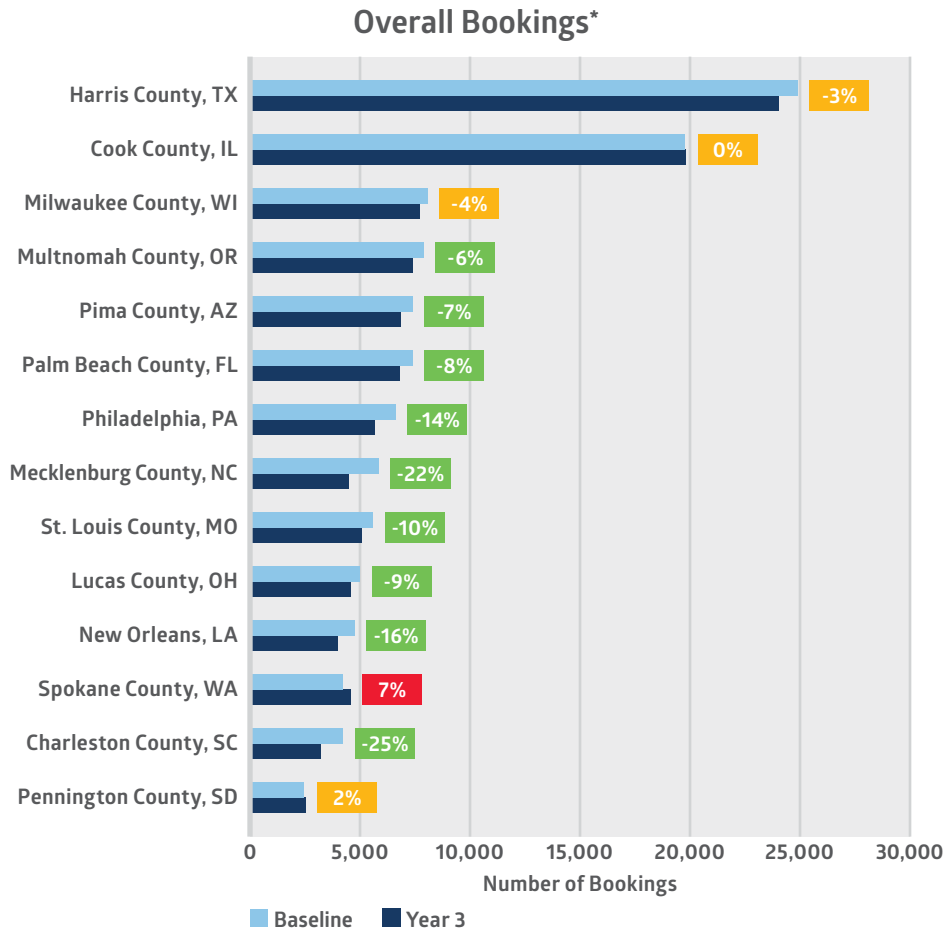


ADP for the pretrial population – whether defined to include those awaiting resolution or only those with new open/pending charges – declined in most sites.

In the charts depicted in this report:

- “Baseline” refers to a six-month timeframe before May 1, 2016, when implementation of the SJC initiative was officially launched. Each performance measure is compared with a site’s Baseline to track progress. “Year 3” refers to the last implementation quarter of Year 3 (February-April 2019).
- Green represents an improvement of 5% or more, red represents a worsening of 5% or more, and yellow represents minimal or no change (between -5% and 5%).

POPULATION DECLINES WERE DRIVEN MORE BY BOOKINGS THAN AVERAGE LENGTH OF STAY (ALOS)



Bookings declined in 9 of 14 sites and by 6% overall.

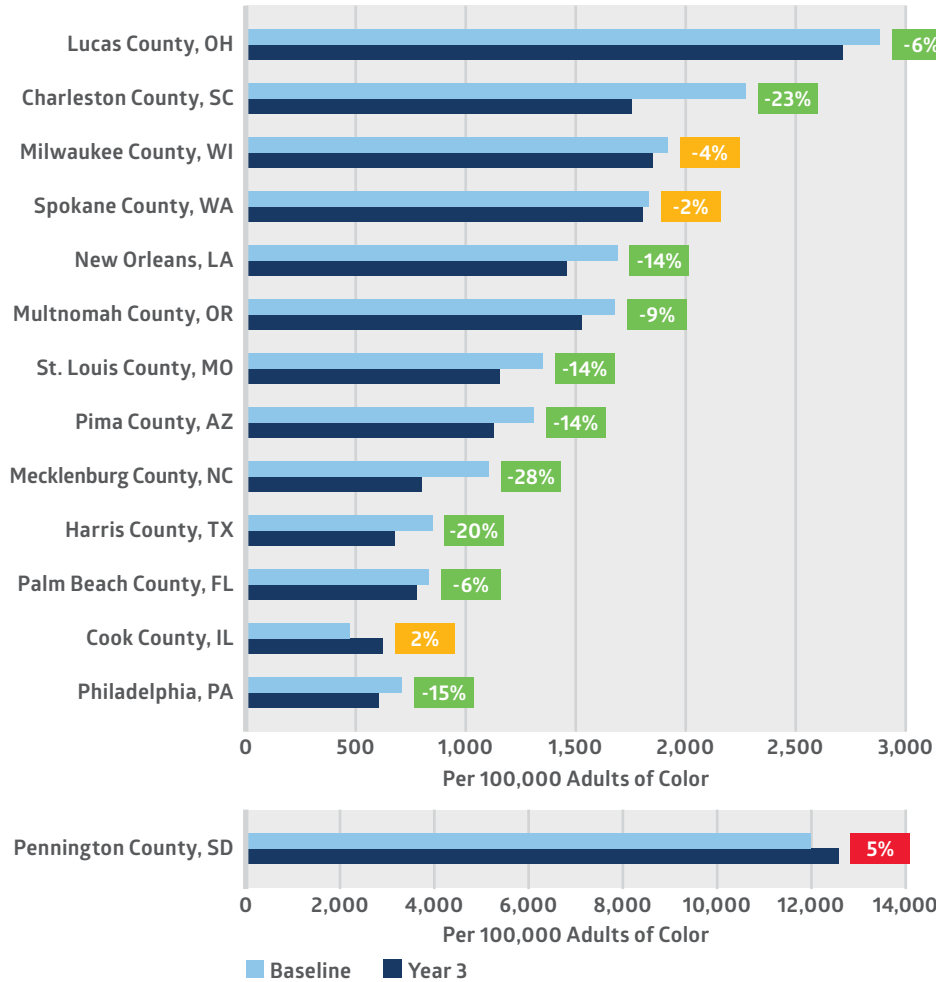
ALOS stayed the same or increased in most sites.

* A booking occurs when an individual is admitted into the jail for a pending charge, sentence, warrant, or other hold.

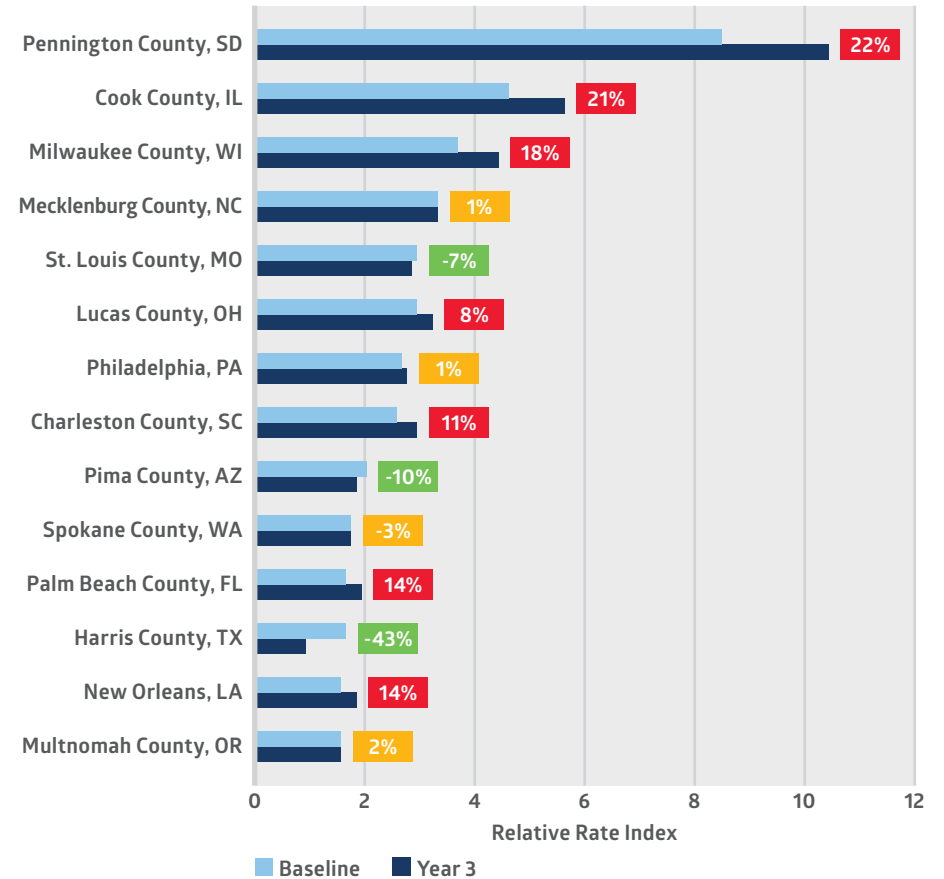
** This chart reflects ALOS at release, which is based on a cohort of people released from jail during a given period, and reflects the average number of days those individuals spent in custody, from the point of booking to release.

OUTCOMES FOR PEOPLE OF COLOR HAVE IMPROVED, BUT DISPARITIES PERSIST, ESPECIALLY FOR BOOKINGS

Booking Rates* for People of Color



Relative Rate Index** for People of Color



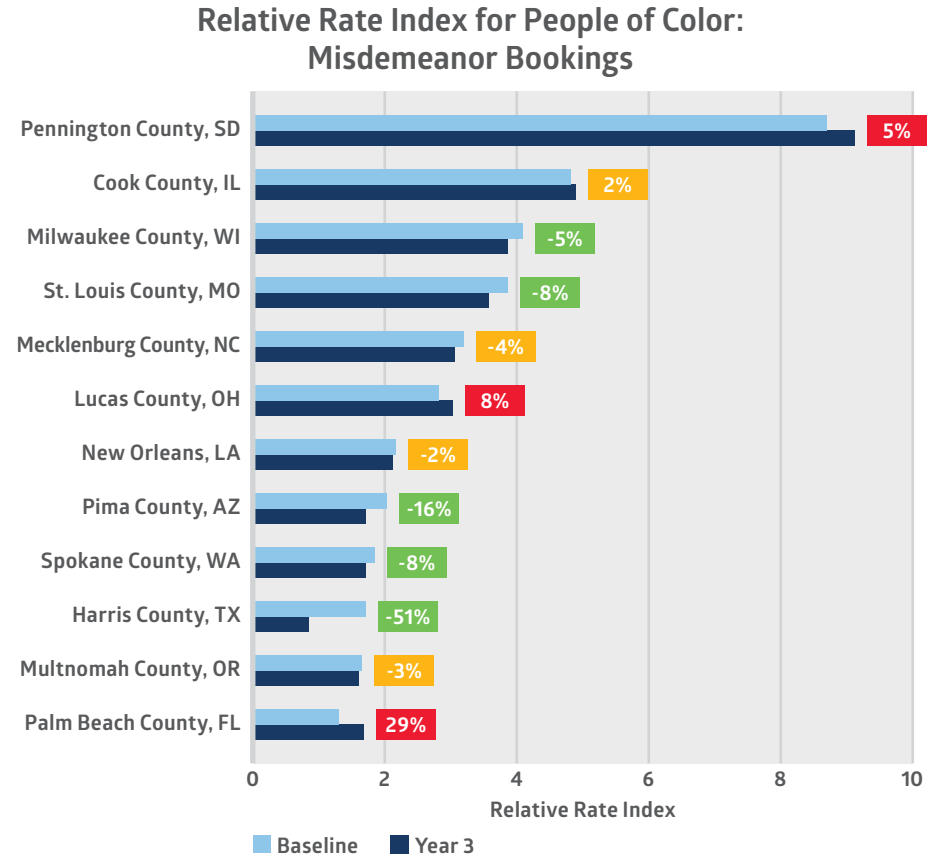
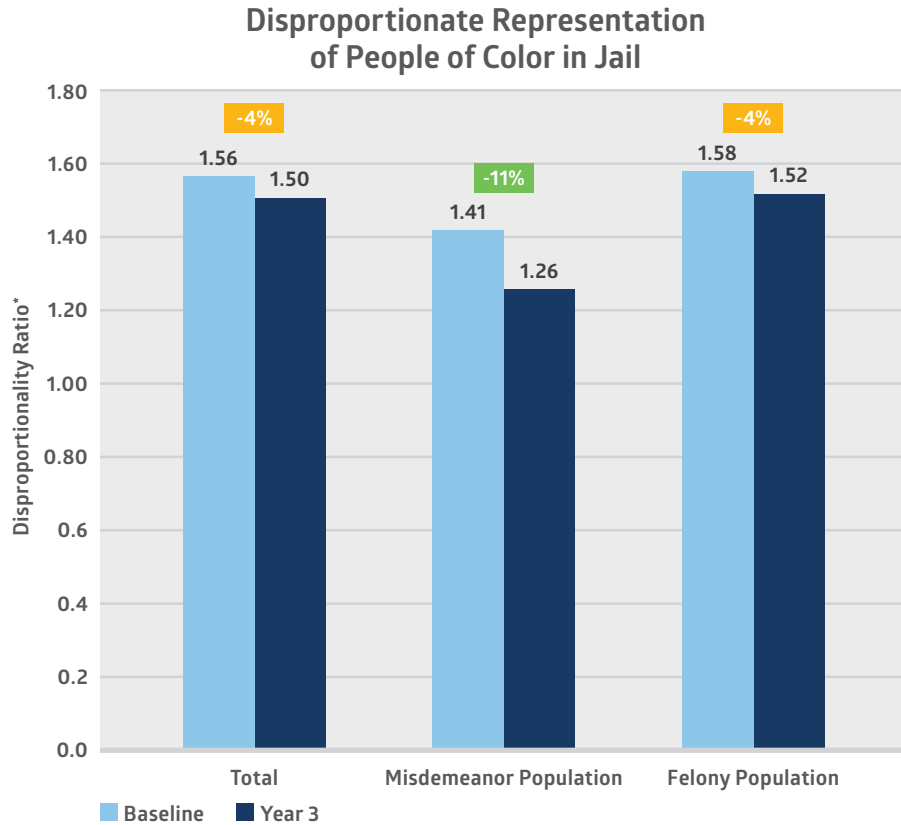
Booking rates for People of Color declined in 10 of 14 sites.

Racial and ethnic disparities in booking rates improved in only 3 sites.

* A booking rate is the number of people admitted to a jail per 100,000 adults in the jurisdiction.

** An RRI is the ratio of two booking rates (bookings for People of Color divided by bookings for White People), which serves as a measure of disparity. An RRI greater than one indicates that People of Color are booked at a higher rate relative to White People. For example, Spokane had an RRI of just under two at both Baseline and Year 3 among total jail bookings, indicating that People of Color were almost twice as likely as White People to be booked into jail.

WHILE RACIAL AND ETHNIC DISPARITIES PERSIST OVERALL, THERE HAVE BEEN SOME DECLINES FOR MISDEMEANOR POPULATIONS

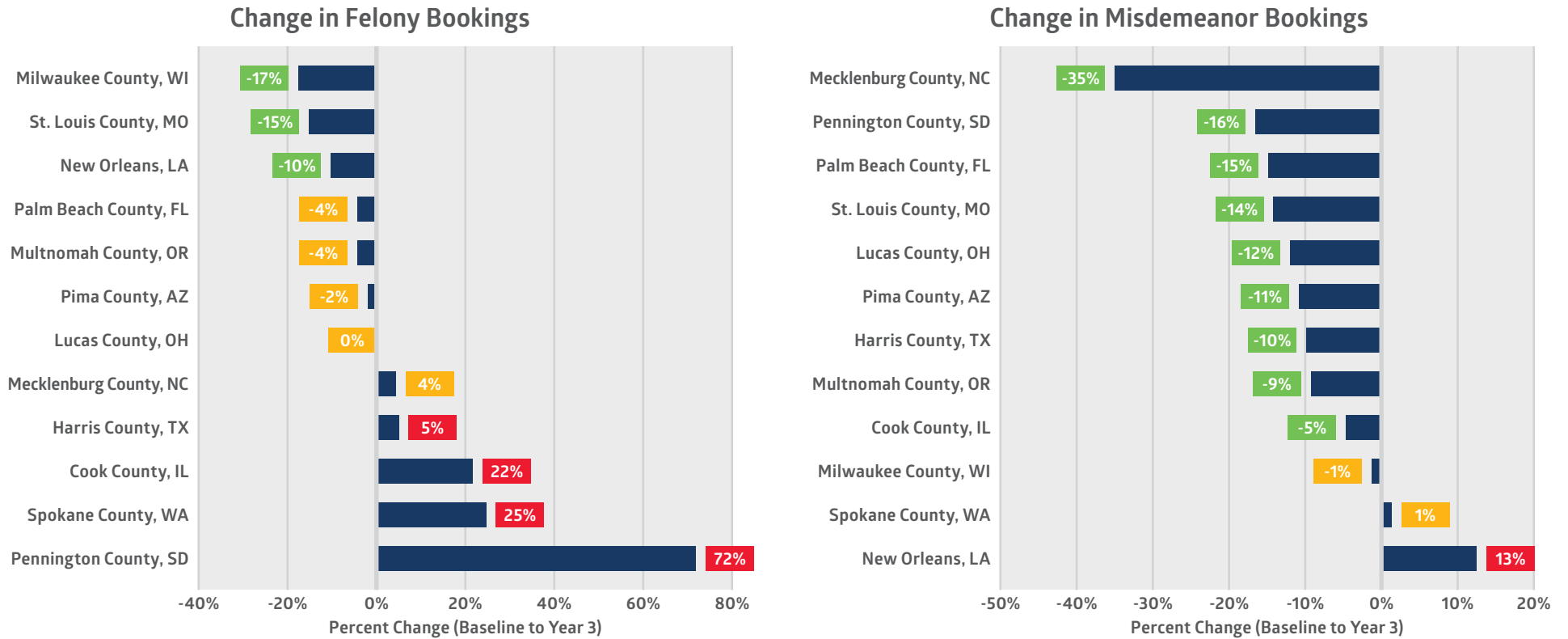


Year 3 results show an 11% decline in the overrepresentation of People of Color in jail for misdemeanors.

In 5 of 12 sites, the rate of misdemeanor bookings for People of Color relative to White People declined.

* A disproportionality ratio is a measure of over- or under-representation of People of Color in the jail on any given day, compared to their representation in the general adult population. It is calculated as the ratio of two measures: the proportion of People of Color in the jail on any given day, and the proportion of People of Color in the general adult population. A disproportionality ratio higher than one reflects a disproportionately higher representation of People of Color in the jail on a given day (the higher the number, the greater the disproportionality). Numbers below one reflect disproportionately lower representation of People of Color.

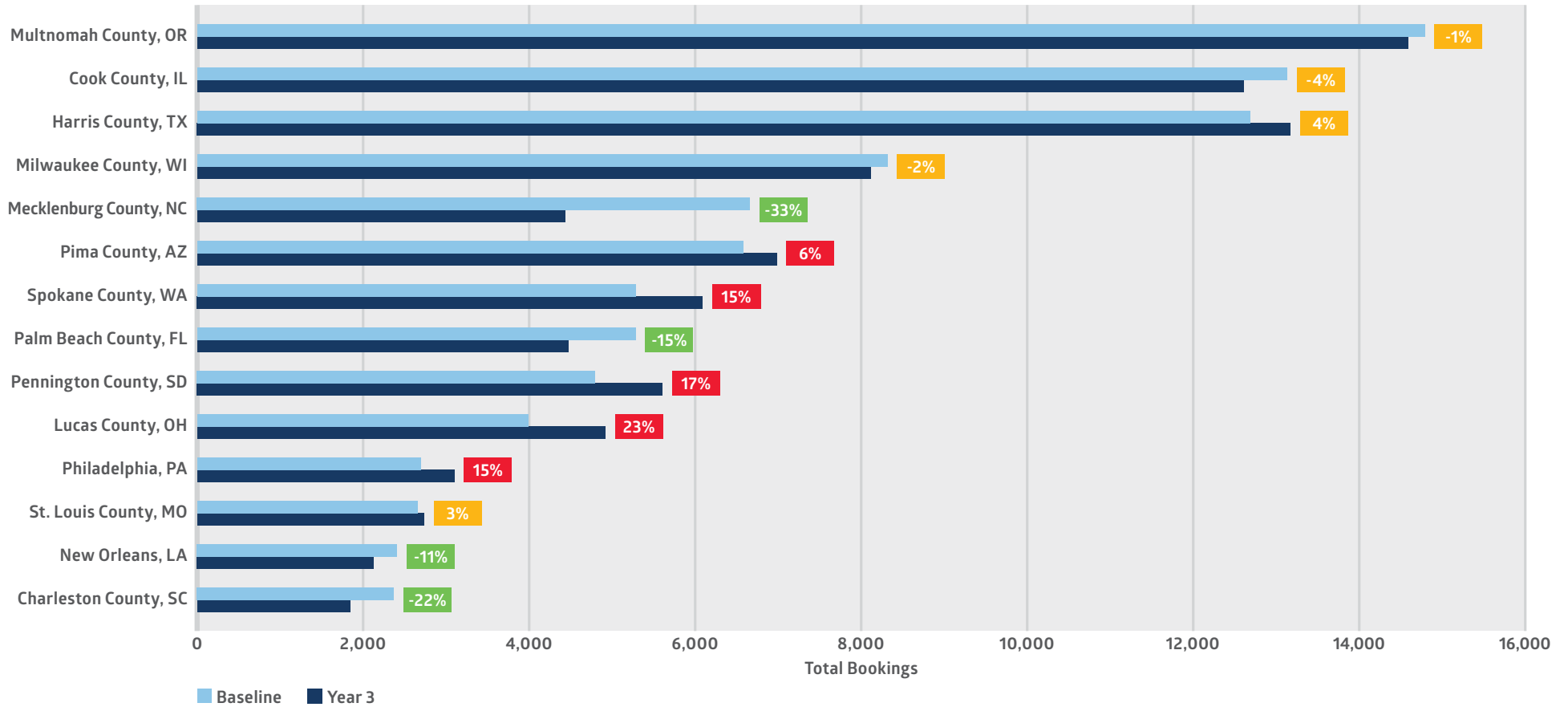
SITES HAVE MADE MORE PROGRESS REDUCING THE REPRESENTATION OF MISDEMEANORS THAN FELONIES IN THEIR JAILS



Declines in the representation of misdemeanors were largest among bookings but also apparent in ADP trends.

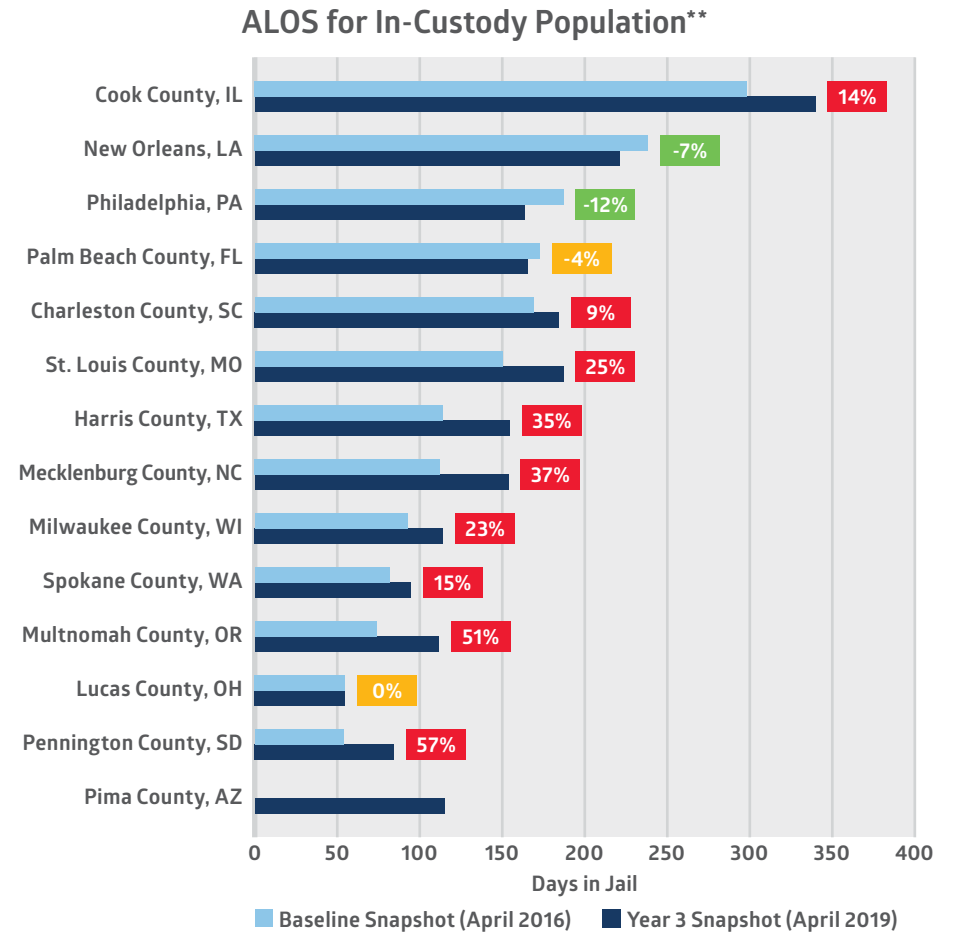
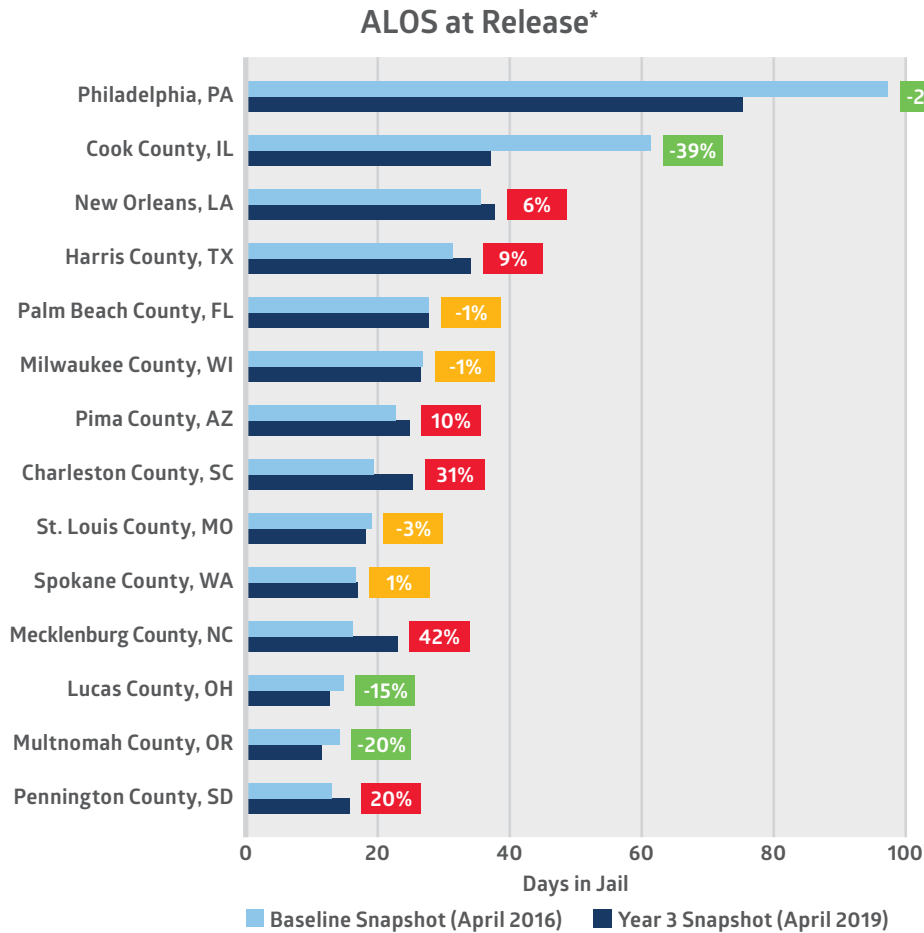
NO CLEAR PATTERN OF PROGRESS FOR FREQUENT UTILIZERS (3+ BOOKINGS/YEAR)

Frequent Utilizer Bookings



Five of 13 sites reported an increase in bookings of frequent utilizers, defined as people with three or more bookings in one year.

AVERAGE LENGTH OF STAY (ALOS) IS MOSTLY INCREASING, BUT THE INCREASE COULD REFLECT POSITIVE OR NEGATIVE CHANGES



Most sites experienced an increase in ALOS. An increase could mean that cases are being processed more slowly, but it could also mean that the composition of the jail population is changing. If lower level defendants are diverted away from jails, a more serious population – one that is likely to be incarcerated for longer – would remain.

* ALOS at release is based on a cohort of people released from a jail during a given period, and reflects the average number of days those individuals spent in custody from the point of booking to the point of release.

** ALOS for the in-custody population, which includes people serving longer stays, is based on a one-day snapshot in Year 3 and at Baseline.



Supported by the John D. and Catherine T. MacArthur Foundation

┌ This report was created with support from the John D. and Catherine T. MacArthur Foundation as part of the Safety and Justice Challenge, which seeks to reduce over-incarceration by changing the way America thinks about and uses jails.

www.SafetyAndJusticeChallenge.org